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Report and Recommendations



SELECT COMMITTEE ON PUBLIC EDUCATION Senate Concurrent Resolution 22

LEGISLATIVE IMPLEMENTATION AND FINANCE FORMULAS

WILLIAM P. HOBBY, CHAIRMAN
LIEUTENANT GOVERNOR OF TEXAS

BILL CLAYTON, VICE CHAIRMAN
SPEAKER OF THE HOUSE OF REPRESENTATIVES

SENATOR W.E. (PETE) SNELSON, CHAIRMAN
SUBCOMMITTEE ON LEGISLATIVE IMPLEMENTATION
AND FINANCE FORMULAS

Submitted to the Sixty-Eighth Legislature
November 1982

Report and Recommendations

**SELECT COMMITTEE ON PUBLIC EDUCATION
Senate Concurrent Resolution 22**

**Legislative Implementation
And Finance Formulas**



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AND FINANCE FORMULAS

**Submitted to the Sixty-Eighth Legislature
November 1982**

**The State of Texas
Sixty-Seventh Legislature
First Called Session**

SENATE CONCURRENT RESOLUTION 22

Establishing the Select Committee on Public Education to study and make recommendations of methods to provide quality public education.

WHEREAS, High quality education for the citizens of Texas is a vital public concern, and a major portion of the state's total budget is appropriated for education; and

WHEREAS, The education system will be undergoing important changes as a result of recent major policy decisions in such areas as curriculum reform, bilingual education, and requirements relating to teacher competency; and

WHEREAS, Additional decisions may need to be made, particularly concerning financial matters, following the outcome of current litigation and the proposed reduction in federal funds and considering the growth of the permanent school fund; and

WHEREAS, Local independent school districts need to reevaluate their current programs in light of the statewide assessment results, and many districts face continuing difficulty in financing capital expenditures; and

WHEREAS, The legislature indicated its continuing concern and need for additional information about education matters during the Regular Session of the 67th Legislature by authorizing interim studies of educational costs and of vocational education; and

WHEREAS, These important and widespread changes, along with continuing general property tax concerns, create a need for leadership and for a forum for cooperation and communication relating to public education in Texas; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, that the 67th Legislature, 1st Called Session, hereby establish a special committee to study the issues and concerns relating to public education in Texas, including curriculum reform, bilingual education, requirements relating to teacher com-

petency, and alternative methods of financing; and, be it further

RESOLVED, That the committee be composed of 18 members, including the lieutenant governor, chairman; the speaker of the house of representatives, vice-chairman; the chairman of the Senate Committee on Education; four other members of the senate, to be appointed by the lieutenant governor; the chairman of the House Committee on Public Education; four other members of the house, to be appointed by the speaker of the house; the chairman of the State Board of Education; two other members of the State Board of Education, to be appointed by the chairman of that board; the chairman of the Governor's Advisory Committee on Public Education; and two other members of the Governor's Advisory Committee on Public Education, to be appointed by the governor; the chairman shall appoint advisory committees, as necessary, and the committee shall hold meetings and public hearings at the call of the chairman; and, be it further

RESOLVED, That the Central Education Agency be authorized to provide an executive director and staff support for the committee to assist with the conduct of the study; and, be it further

RESOLVED, That the committee have the power to issue process to witnesses at any place in the State of Texas, to compel the attendance of such witnesses, and to compel the production of all books, records, documents, and instruments that the committee may require; if necessary to obtain compliance with subpoenas and other process, the committee shall have the power to issue writs of attachment; all process issued by the committee may be addressed to and served by any peace officer of the State of Texas or any of its political subdivisions; the chairman shall issue, in the name of the committee, such subpoenas and other process as the committee may direct; in the event that the chairman is absent, the vice-chairman or any designee of the chairman is authorized to issue subpoenas or any other process in the same manner as the chairman; witnesses attending proceedings of the committee under process shall be allowed the same mileage and per diem as are allowed

witnesses before any grand jury in the state. The testimony given at any hearing conducted pursuant to this resolution shall be given under oath subject to the penalties of perjury; and, be it further

RESOLVED, That the committee be authorized to request the assistance, where needed in the discharge of its duties, of all state agencies, departments, and offices, and that it be the duty of such agencies, departments, and offices to assist the committee when requested to do so; the committee shall have the power to inspect the records, documents, and files of every agency, department, and office of the state, to the extent necessary to the discharge of its duties within the area of its jurisdiction; and be it further

RESOLVED, That the operating expenses of the committee be paid from the Contingent Expense Fund of the Senate and the Contingent Expense Fund of the House, equally, and that the committee members be reimbursed from these funds for their actual expenses incurred in carrying out the provisions of this resolution; and, be it further

RESOLVED, That the committee make complete reports, including findings, recommendations, and drafts of any legislation deemed necessary, to the legislature as necessary and appropriate; copies of the reports shall be filed in the Legislative Reference Library, with the Texas Legislative Council, with the Secretary of the Senate, and with the Chief Clerk of the House.

ATTEST:

W.P. Clements, Jr.

WILLIAM P. CLEMENTS, JR.
Governor of Texas

W.P. Hobby

WILLIAM P. HOBBY
Lieutenant Governor of Texas

Bill Clayton

BILL CLAYTON
Speaker of the House of Representatives

Betty King

BETTY KING
Secretary of the Senate

Betty Murray

BETTY MURRAY
Chief Clerk of the House

Date Passed: August 10, 1981



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Houston, Texas

Vice Chairman

The Honorable Bill Clayton
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Spring Lake, Texas

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The Honorable Ray Farabee
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Cis Myers
Executive Director

December 20, 1982

To The Honorable Governor of Texas and Members of the 68th Legislature

I am pleased to forward to you the Report of the Subcommittee on Legislative Implementation and Finance Formulas.

The educational system of this state is currently undergoing important changes as a result of major legislation passed by the 67th Legislature. Among the major bills are:

S.B. 50 — Establishment of entry and exit competency tests for teachers.

S.B. 477 — Provision of bilingual education to limited English speaking students.

H.B. 246 — Provision for statewide curriculum reform, establishing 12 basic subject areas.

H.B. 603 — Establishment of a state plan for operation of summer school pilot programs.

H.C.R. 23 — Provision for statewide vocational education study.

H.B. 354 — Establishment of school-community guidance centers.

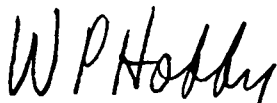
S.B. 180 — Provision for a study of school finance issues.

The State Board of Education and the Central Education Agency have reorganized around these major mandated functions, and are proceeding with their implementation. In order to continue the examination and evaluation process, the Select Committee on Public Education was created by Senate Concurrent Resolution 22. One of the committee's primary responsibilities was to study the issues relative to the new legislative reforms.

An important concern has been the need to maintain communication and cooperation between the State Board of Education and the state government in order to ensure a clear-cut understanding of the very complicated implementation process in areas such as teacher competency testing and curriculum reform. There have been several meetings with members of the State Board and Agency staff involving very thorough reviews and question-and-answer sessions.

The Select Committee does not recommend any statutory changes in the areas addressed in this report. It is satisfied that the appropriate structure for the proper implementation of the educational reforms is in place. Additionally, the Committee feels that the balance of relationships between the Legislature, the State Board and local independent school districts is in the proper perspective.

Respectfully submitted,



William P. Hobby, Chairman
Select Committee on Public Education



Subcommittee on Legislative Implementation and Finance Formulas

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Senate

The Honorable Ray Farabee
Senate

The Honorable Grant Jones
Senate

The Honorable Bill Haley
House of Representatives

The Honorable Matt Garcia
House of Representatives

The Honorable Willis Tate
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Cis Myers
Executive Director

October 15, 1982

The Honorable William P. Hobby, Chairman
The Edit and Review Subcommittee

The Honorable Joe Kelly Butler, Vice Chairman
The Edit and Review Subcommittee

Dear Governor Hobby and Mr. Butler:

I am pleased to submit the Report of the Subcommittee on Legislative Implementation and Finance Formulas to the Edit and Review Subcommittee for its consideration.

The subcommittee is composed of House and Senate sponsors of major legislation enacted by the 67th Legislature, as well as the Chairman of the Governor's Advisory Committee on Education. This legislation covered such complex areas as curriculum reform (H.B. 246), teacher competency testing (S.B. 50), bilingual education (S.B. 477) and a school finance study (S.B. 180).

The subcommittee has provided in this report historical track to illustrate the development of the Texas educational system prior to the 67th Legislative Session. This report also offers the reasons why the State Board of Education recommended massive changes, a review of the present situation and how the State Board is proceeding with their implementation and rule-making process.

The subcommittee members are satisfied that the process is workable and responsive, that there is public input, that the State Board of Education is moving in a prudent and deliberate manner, and that all precautions are being taken to ensure that equity and due process are being considered as we move to improve the educational system for all the public school children of Texas.

Respectfully submitted,



W. E. "Pete" Snelson, Chairman
Subcommittee on Legislative Implementation and
Finance Formulas



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Creation of the Educational System in Texas

In 1836, the Texas Declaration of Independence cited the failure of the Mexican Government, despite almost boundless resources, to provide an adequate system of public education as one of the principal reasons for severing political ties with Mexico. However, when the fathers of the republic came to write the Texas Constitution and provide for public education, they found that the use of public domain to finance adequate schools was easier said than done.

Three years later, the Texas Congress, at the urging of President Mirabeau B. Lamar, passed its first Anglo-American public school law—The Education Act of 1839. This Act provided for the surveying and setting aside of three leagues of land in each county which could be sold by the county commissioner for the purchase of necessary endowments, one-half for the academic school (academies) of each county, and the remainder distributed equally among the various common school districts. The county judge and his associates formed the school board, empowered to establish districts, administer teacher certificates, and supervise the schools. Provision also was made for two universities.

The Texans were applying the ideas that lay behind the Northwest Ordinance of 1787, the academy system, and the English tradition of the common school. Counties were the largest unit of educational administration they contemplated, and there was no provision for state school taxation.

In fact, the Law of 1839 never had much effect. "Land was so abundant little income was realized. This caused no great concern since few citizens actually supported the idea of public schools; education was still thought of as a matter for private enterprise; home instruction continued to be the rule and itinerant schoolmasters the exception to that rule until after the Civil War. An interesting sidelight is that the Constitution of 1836 did not prohibit private or denominational schools from receiving public aid;"¹ therefore, when the republic gave specific attention to public education, it did so by issuing charters to seminaries and academies, colleges and universities, most of which were private or denominational schools that prospered for a time and then, with a few notable exceptions, failed.

When Texas was admitted to the Union in 1845, its first State Constitution authorized financial support for a system of free schools from two sources: (1) proceeds from the sale or use of the public domain (reserved to Texas by terms of the Treaty of Annexation), and (2) one-tenth of the annual state tax revenue. Thus, was seen the first attempt to utilize state taxes for public school support and an end to the dream of financing public schools solely out of the limitless supply of land. "Indeed, the Texas Legislature did make annual appropriations of 10 percent of general revenue, but school funds were never disbursed. Again, public schools were not favored by most citizens, and few if any public schools existed."²

The tithe of state revenue and the county lands together, however, proved insufficient. By 1850, the facts were distressingly obvious—only 15 percent of the state's children were being instructed. Due to developments in other states, interest for public schools began to increase. "Educational finance became a political issue for the first time in 1853, when Elisha M. Pease campaigned for Governor on a platform which included an education plank. The result of his election was a significant benchmark in Texas school finance history."³

The School Law of 1854

The School Law of 1854 formally established the system of public education in Texas by establishing the Permanent and Available School Funds; the first was to be the repository for revenues from the public lands, and the second was the accounting fund for the receipt and disbursement of interest earned through investment of the Permanent School Fund revenues.

¹Texas Association of School Board, *The Basics of Texas School Finance*, (Austin, Texas: The Association, 1980), p. 7.

²Ibid, p. 7.

³Ibid, p. 7.

Two million dollars of the \$10 million in 5 percent U.S. Indemnity Bonds received in settlement of Texas' boundary claims against the United States was set aside as a permanent school fund. Loaned to railroad companies at 6 percent, this fund was expected to provide income sufficient to pay teachers' salaries.

In addition, the proceeds of up to \$0.35 per \$100 of full value (as determined by County Tax Assessors) was to be deposited in the Available Fund. The Legislature was authorized to determine an annual per capita distribution among the counties based on the number of scholastics (ages 6-17) and the resources of the Fund. This enabling legislation also provided for an annual census, authorized the establishment of local school districts, and directed that companies granted land for railroads should survey alternate sections of land for a public school endowment.

Provision was made for free tuition of the indigent and orphans out of the tithe of annual state revenue, but there were never actually any pauper schools in Texas. Nearly all children were recipients of the state bounty; the poor, however, preferred ignorance and pride to the humiliation and taunts that accompanied a pauper's child to school.

The 1854 law also permitted the patrons of any school to employ the teacher of a primary department of any college or academy, and convert the primary department of that institution into a common school. As a result, the state found itself subsidizing religious and private schools on a larger scale than before. Only in two or three counties populated by German refugees of 1848 were actual public common schools formed. Elsewhere, the private school interests triumphed, even forcing the abandonment of the districting provision of the 1845 constitution.

The larger communities led the way to better schools. A free public school promoted by the German population made its appearance in San Antonio in 1853. This was the beginning of differences between urban and rural education.

The various Protestant denominations also were active in establishing schools, yet often left the connection between the school and the church that had founded it deliberately vague, lest patronage be limited to only one denomination. The Texas Grand Masonic Lodge appointed a superintendent of education, chartered schools, and aided community school boards by furnishing buildings and making loans.

"After 1856, any group of citizens could set up a school, employ a teacher, and draw state per capita funds (which were \$0.62 per capita in the first year, \$1.50 in the second year). An intriguing footnote to this arrangement was the fact that individual parents could also draw upon the funds. It was general practice for parents to send their child to a private school and then claim the child's per capita entitlement, an amount which multiplied rapidly in size through the years. In effect, this was an early voucher system, a method of school financing suggested by some theorists in the modern day as a new and revolutionary approach to school finance equity. Still, it remains that before the Civil War the most important institutions for learning in Texas were not part of the fledgling public school system."⁴

Reconstruction

The Civil War left Texas economically prostrate. Agriculture was revolutionized by Emancipation, and a whole new social order had to be developed before prosperity was again possible. The railroads, whose repayments and interest were the source of school funds, defaulted or paid in depreciated and unacceptable currency. Much of the balance of the school fund was diverted to other purposes, being reduced to virtually nothing by 1865. Private schools and universities were decimated.

In 1866, a new constitution was drawn up, closely resembling in its educational provisions the School Law of 1854. The Radical Republicans quickly set aside this constitution, and Reconstruction began. Practically overnight Texas went from one form of education to another. Despite the unpopularity of the new government, the Radical Republicans were the first to envision a genuine free public school system in the state:

⁴Ibid, p. 7.

- (1) the Carpetbag Constitution of 1869 required free public schools for all inhabitants from six to 18,
- (2) established a state superintendent of public instruction,
- (3) subdivided all counties into school districts,
- (4) made attendance compulsory for four months of the year,
- (5) set up the permanent school fund again,
- (6) put all county school lands under state control,
- (7) made one-fourth of all annual revenues from general taxation a source of school support,
- (8) established a poll tax of \$1 on every voter as another source of school moneys, and
- (9) demanded local taxation sufficient to build a school in every district and operate it for 10 months a year.

It provided every necessity for administering a completely modern school system—except public support. Needless to add, the cost of such reforms struck a negative note with the people of Texas, many of whom were still not convinced that public schools were necessary. The reaction they evoked, in the form of hatred for compulsory attendance, education of Negroes, alleged extravagance, and Northern textbooks, was to have long-lasting harmful effects on education. The provisions of this infamous law do not look so infamous today and might have worked to the benefit of the state had they not aroused intense opposition.

When the disputed Hayes-Tilden election of 1876 permitted the South in general to escape all vestiges of Reconstruction, the carpetbag school law in Texas was overthrown, leaving public education in a state of chaos. "In September 1875, a Constitutional Convention met in Austin to herald the end of Radical Reconstruction. The group that met mirrored statewide sentiment for retrenchment, economy and disestablishment of the centralized state government."⁵ The delegates could generally agree on only two elements to be included in Article VII of the new state constitution:

- (1) there must be separate schools for white and Negro children, and
- (2) the permanent school fund must never again be diverted to any extraneous purpose.

The Constitution of 1876

The rest was a compromise solution. The Constitution of 1876 revoked the compulsory attendance law, eliminated the position of state superintendent and the state education agency, abolished permanent school districts, and limited state financial support for schools from ad valorem tax monies to one-fourth of the total budget or less.

"The Texas Constitution of 1876 established the basic framework of school funding as it was practiced for over seven decades, although it has been amended many times. Originally, there was no provision for local taxation for school support except in a few incorporated cities which operated municipal school districts. Certain state revenues, such as occupational, dog, and poll taxes, were earmarked for education; these revenues were to be added to the income from the permanent school fund and distributed on a *per capita* basis. The framers of the new constitution apparently saw no inconsistency in their meager support and their charge that the legislature 'establish and make suitable provision for support and maintenance of an efficient system of public free schools.'⁶ The poll tax remained in the Constitution until it was repealed by Texas voters in November 1968, even though it was never consistently administered and collected.

"As if to make up for its parsimony in tax funds, the Convention set aside the perpetual endowment which today is called the Permanent School Fund. It consisted of all previous funds allocated to education since 1845 but not spent, the 'permanent' endowment established in 1854 and recouped by the Radical Republicans, and a generous addition of some 52 million acres of public lands exceeding \$42 million in value. At that time, the fund contained \$3,250,000 in cash. The revenue from investment of this Permanent School Fund, along with designated taxes, represented the Available School Fund, which was to be apportioned annually on a *per capita* basis. From 1876 to 1915, with some extremely minor exceptions, this aid was the sole revenue afforded to schools by the state. The first distribution, during the 1876-77 school year, amounted to \$3.59 per pupil in Average Daily Attendance (ADA)."⁷

⁵Ibid, p. 8.

⁶Ibid, p. 8.

⁷Ibid, p. 8.

Local Taxation

"By 1879, many citizens were already demanding reform in the financing of schools, which was seen immediately as woefully inadequate. Efforts to balance the state budget impeded action, but attempts were made to increase the Permanent School Fund through rapid land sales. When this attempt failed, only one remedy was apparent—local taxation. There had been no local taxation for schools and in fact, no district structure outside the major cities. Schools were reorganized annually in a community district arrangement among parents. This eccentric institution was without parallel in American history and proved harmful to school development for several obvious reasons: no taxation, no continuity, no permanent buildings, etc."⁸

In 1883 the voters decided public support for education was necessary and passed the first amendment to Article VII by a small margin. This authorized local taxation in permanent school districts up to a maximum of \$0.20 per \$100 if approved by two-thirds of the voters. "The local tax limits applied only to rural common districts, which comprised the vast majority of schools. Town schools, as authorized in 1875, could tax up to \$0.50 per \$100. The effect of this arrangement was to grant urban districts a financial advantage over rural districts."⁹

In 1884, the school law was again rewritten and Office of State Superintendent was re-created. All but the 53 districts in East Texas and the Rio Grande Valley were re-districted. The state ad valorem tax was affirmed. The Permanent School Fund was invested in county and other bonds to increase the amount of interest it earned.

"Despite progress made as a result of the constitutional amendment of 1883, development was slow in rural schools. Many districts would not vote to levy taxes despite the inadequacy of state funds. Moreover, the shift of emphasis from state to local funding created a wide spectrum of educational support and quality as differences in local ability and willingness became apparent. In retrospect, it is clear that inequities in education finance came to Texas as early as state support did."¹⁰

Inadequate though it may have been, the law of 1884 marked the end of bitter struggle and major reversals of public education policy. Changes in the schools proceeded in a more orderly and positive manner during the last 15 years of the nineteenth century.

A system of accreditation was created in 1885 when high schools sent selected test papers for examination by the faculty of the newly founded (1883) University of Texas. If found satisfactory, the high school sending the exhibit was considered to be affiliated with the university, and its graduates were admitted without entrance examinations.

The introduction of grading established the need for standardization of textbooks. In 1897, the Legislature established a uniform textbook law, with provision for the State Textbook Adoption Board.

A series of new laws generally granted cities and towns more freedom in the development and administration of their schools resulting in the creation of independent school districts. By 1900, there were 526 of them in which the high school replaced the earlier academy. The common schools, on the other hand, continued to be ungraded, disorganized, staffed by poorly paid or unpaid teachers, and housed in barns, church buildings, masonic temples and county jails.

"By 1900, the discrimination of dollars expended for education was apparent between urban and rural schools. Over 78 percent of the state's scholastics were rural pupils, yet urban districts owned 65 percent of the school-owned property in Texas. Rural districts spent an average of \$4.97 per pupil in 1900 for an average school term lasting 98 days. In urban areas, the figures were \$8.35 and 162 days. Of the 11,460 rural school districts existent in 1900, 92 percent were ungraded one-teacher schools. The most apparent feature of the discrimination against rural schools was. . ."¹¹ the \$0.20 per \$100 limit in rural schools versus the \$0.50 per

⁸Ibid, p. 8.

⁹Ibid, p. 8.

¹⁰Ibid, p. 8.

¹¹Ibid, p. 8.

\$100 limit in town schools. Town schools could vote bonded indebtedness; rural schools could not. Also, there were no high schools in the rural areas.

Rural Aid Legislation

"Despite the overriding difficulties, some financial progress was made in the early twentieth century. In 1901, the Permanent School Fund was invested in building bonds of independent school districts, and many common school districts converted to independent status to take advantage of this opportunity. The number of schoolhouses proliferated rapidly, and local taxation was enhanced. By 1904, about 90 percent of the 381 independent school districts were at least partially supported by local taxes."¹² In 1905, the Legislature implemented the 1883 amendment to begin supplementing Available School Fund revenues from various non-property tax sources. Personal property was added to the tax rolls in 1907.

A new constitutional amendment, passed in 1908, permitted use of school tax funds to buy equipment for common school buildings, abolished the rule that two-thirds of the voters had to concur to permit local school taxes, and increased the limit on local taxation from \$0.20 to \$0.50 on the \$100 valuation. The second, in 1909, permitted formation of school districts that crossed county lines.

A rural high school law enacted by the Legislature in 1911 established county boards of education, authorized the State Department of Education to classify county (common) schools according to the number of teachers employed, permitted creation of rural high schools at local expense and the consolidation of common school districts, and arranged for free tuition. The State Board of Education was allocated \$50,000 to aid rural districts in equipping new schools.

Two major pieces of legislation enacted by the 34th Texas Legislature in 1915 signaled a considerable departure from earlier funding plans.

- (1) The new version of the Compulsory School Attendance Law mandated that all Texas children between the ages of six and 17 be required to attend school 60 days each year.
- (2) The Equalization Aid Law, more familiarly known as the Rural Aid Law, appropriated \$1 million to develop a system for equalizing school support among districts with varying financial ability. Designed to inspire rural school districts to make greater efforts in self-improvement, it remained an insignificant feature of school finance for many years.

Passage of this compulsory attendance law confronted school administrators with the problem of providing textbooks for students. The 1897 Uniform Textbook Act setting up a State Board of Adoption was still a long way from a plan of state purchase. It was manifestly impractical to compel children to attend schools that lacked sufficient books. As a result, the Legislature authorized a local option in the provision of textbooks without charge to pupils. In many cases, city schools purchased books for the lower grades; common and rural schools could not provide books in the same way. The inequity of this situation between urban and rural education led to further demands for correction.

Therefore, in 1917, the Legislature submitted to the people a proposed amendment to the constitution increasing the state ad valorem tax from \$0.20 to \$0.30 per \$100 and setting aside from this increase sufficient sums to purchase state-adopted texts. The amendment passed by a large majority.

Originally, the equalization aid was given only to schools with fewer than 200 students, and payments to any given school could not exceed \$500 per annum. Both these provisions were gradually broadened. By 1948 it had become a major element in state aid, and any school with less than 1,500 students qualified. In that year, Rural (or Equalization) Aid totalled just over \$24 million.

The largest portion of rural aid, however, was expended for teacher's salaries, with the intention of guaranteeing a minimum salary for teachers in eligible districts. In 1919, for example, a teacher holding a permanent

¹²Ibid, p. 8.

certificate was entitled to be paid a maximum of \$85 from state per capita money; a holder of a certificate of the second grade could earn \$60. Wealthy schools paid their teachers more than this state allotment, but poor schools often paid considerably less.

Modification of rural aid to incorporate salary aid was intended to guarantee a minimum salary. It did not work as hoped, however, for two reasons:

- (1) Salary aid was not extended automatically, but only on request; and
- (2) Districts had to match the aid funds, dollar for dollar.

The 20s were a period of liberal road building and improvement that began with paving only a tiny portion of more than 18,000 Texas miles of dirt roads and ended with more than one-third of the state's highways rescued from mud. It was natural that bus transportation should appear an excellent solution to the problems of providing equal educational opportunity to rural children. Soon after the great surge of highway improvement began, funds for school buses began to be included in rural aid. By the mid-30s, it proved economical to centralize all bus purchasing and supplies in the state department of education.

Curriculum Reform — 1930s

Curriculum reform reached Texas schools in the early Depression years and the response of the educational leadership was positive. The Texas Teachers Association began the movement by adopting a resolution at its statewide meeting in November 1932, calling on the State Board of Education and the state superintendent to sponsor broad-scale curriculum revision. Under the leadership of the University of Texas, a team of consultants devised a five-track plan which set up certain definite objectives in terms of desirable education of citizens in a democratic society.

Curriculum consultants of the state department, in conference with representatives of Texas teachers, wrote units for practically every curriculum offering. Then, representatives of schools and curriculum areas from all over Texas were called together to criticize the plans and units. More than 30,000 teachers participated in this effort.

When all agreed-upon changes had been incorporated in the units, the guides were published and sent to the schools. To provide a continuing reinforcement for the new curriculum plans, the textbooks division became the curriculum and textbooks division. The state superintendent requested permission from the Legislature to "adopt whatever books are needed for the development of a well-rounded educational program." The practice of multiple adoptions of textbooks, begun during the twenties with reference to high school subjects, was thus extended to apply to elementary curriculum as well.

In 1936, the Texas School of the Air, a pioneering effort at using the mass media of communication for curriculum enrichment and some direct instruction, was launched. This period also saw the beginning of various new techniques of communication within the professional community, such as the Advisory Conference of Public School Administrators still conducted each year by the Texas Education Agency. But by far the greatest accomplishments of those years were the sixfold increase in the appropriation for rural aid and the reduction by half or more of the number of common school districts, with the consequent improvement in the quality and quantity of educational opportunity for rural children.

At the end of World War II, it was obvious to everyone in public education that a number of problems—some longstanding, some new—stood in need of immediate solutions. The crop of war babies was soon to reach school age and further tax already overcrowded physical facilities. Dilapidated buildings, inadequate equipment, and a shortage of qualified teachers were realities.

The state superintendent recommended that the Legislature increase teachers' salaries to provide a minimum of \$2,000 for those with bachelor's degrees or the equivalent and an annual increase of \$200 for holders of master's degrees.

Gilmer-Aikin—1940s

In March 1947, House Concurrent Resolution 48 created an 18-member study committee to tackle all questions relating to the improvement of the public schools in Texas. The committee was provided \$25,000 in contingency funds with which to operate. It was called the Gilmer-Aikin Committee after the sponsors of the resolution and at its first meeting elected Senator A.M. Aikin chairman.

By September 1948, the work of the subcommittee had sufficiently advanced to permit circulation of a draft of proposals. Among the 33 specific recommendations were those calling for a minimum foundation program of education that would combine state and local support with the state underwriting costs above a taxable uniform effort. Others called for the establishment of local administrative units designed for school management, the redesign of state administrative machinery, a minimum state salary schedule for teachers, and such administrative and legal changes as were necessary for consistency.

The Gilmer-Aikin Bills introduced during the regular legislative session of 1949 provided for:

- (1) Reorganization of state level administration through consolidation and rationalization of existing educational divisions into one total education agency—the Central Education Agency—composed of the State Board of Education, a commissioner of Education (chosen by the board) and a State Department of Education;
- (2) Establishment of a minimum foundation program, including setting of formulas for financial allotments, and the payment of the difference between program costs and the combination local funds and state per-capita payments from the Foundation School Fund; and
- (3) Automatic financing to eliminate the need for appropriations by the Legislature.

The Gilmer-Aikin Minimum Foundation School Program was adopted by the Legislature in 1949 and incorporated the principal features of previous Equalization Aid formulas, with some refinements, and extended the benefits to all districts with more than 15 children in average daily attendance. By substituting ADA for scholastics, the new Foundation Program offered an incentive for attendance which had been absent under the prior formula. This was a particularly important change for those districts which for years had taken the scholastic apportionment for minority races and spent most of it in white schools.

Another major feature of the new Minimum Foundation Program was its sum-sufficient (or open-end) state financing guarantee. The statute made state matching support for the Foundation Program one of the primary calls on the General Fund. Determination of the amount required was vested in the State Board of Education. In other words, support was made automatic in that subsequent legislatures were not required to pass on the amount of state funds to be appropriated to maintain the existing program. Of course, changes in the state-guaranteed salary schedule, operating allowance, or transportation subsidy did require legislative action. Taxes had to be enacted to keep the General Fund solvent.

A third major feature was joint financial underpinning. The Gilmer-Aikin Committee had stated the principle that: Local taxation should support approximately 25 percent of the total cost of the foundation program in the state as a whole, but the amount raised by each locality should accord with its taxpaying ability.

This principle led to the fourth major innovation of the Foundation School Program—a new method of determining local ability. The Gilmer-Aikin Committee had come to the same conclusion reached by its predecessor in 1925 and 1938—locally assessed property valuations represented an unacceptable measure of local taxpaying ability. To provide a better measure of local ability, the Gilmer-Aikin Committee proposed the substitution of an economic index based on various factors of income by county. For equalization within each county it was assumed that each district's percentage of the county tax roll would be a fair measure. This proved to be erroneous.

Several troublesome features of the Minimum Foundation Program formulas had to be corrected over the next 20 years. For example, the original plan based personnel allotment on the prior year's attendance which substantially discriminated against rapidly growing districts despite a compensating "marked increase" formula. This was corrected in 1961 by giving districts the option of using current year's ADA. This, however, created another problem of the double dip. Under certain conditions, a student could be counted as prior ADA by one district and current ADA by another.

Another problem arose over determination of the total local share of the Foundation School Program. The Gilmer-Aikin Committee had proposed that the share be approximately 25 percent, but after the adjustment for local credits this was reduced to 23 percent. Rather than adopt a fixed percentage, the Legislature repeated the same Local Fund Assignment in 1953-54. With credit adjustments, this amounted to less than 15 percent of the total program cost. A 1954 legislative compromise set the local share at 20 percent, but included a further credit of \$10 per teacher against that share. The actual Local Fund Assignment came to only about 16 percent of the total cost as late as 1960-61.

In 1961, the \$100 per teacher credit was repealed, raising the local share to 18 percent. A number of corrections in the financing formulas were enacted, along with substantial salary increases, as a result of the Hale-Aikin Committee Study. The Incentive Aid Act was also passed, offsetting penalties in state aid loss which had formerly accompanied school consolidations. Perhaps it should be noted there were 4,496 school districts when the Gilmer-Aikin Act passed. Today there are 1,071.

Finally, in 1965 the remaining local credits, plus the budget surplus from per capita distributions to budget balance districts, were charged to the succeeding year's total Local Fund Assignment. The net local share had now reached 19 percent of the program costs. The Legislature passed another major salary increase including a new Supplemental Salary Aid Program for optional and selective increases, and authorized the establishment of the Governor's Committee on Public School Education. Authority for the regional media centers was also enacted along with a state/local matching funding formula.

In 1967, this concept was broadened to accommodate a broader scope of service delivery and regional education service centers were established, funded largely by Title III of the Federal Elementary and Secondary Education Act. The state minimum salary schedule was again increased.

The Gilmer-Aikin Act began the implementation of one of the most forward-looking and comprehensive state-guaranteed public school programs in the nation—the Minimum Foundation Program. After two decades, the only changes of consequence in the program were periodic increases in teacher salary schedules, an increase in the operating allowance, expansion of special education to include units for the mentally retarded, trainable, and emotionally disturbed, along with minor adjustments in the formulas for determining state-local shares of the cost. The basic Minimum Foundation Program served the Texas public school system reasonably well during two decades of transition from a rural to an urban economy and through the initial stages of school desegregation.

Teacher Certification—1950s

The new elected State Board of Education, in 1949, called for a careful study of teacher certification as the first step toward improvement of professional standards as the Gilmer-Aikin Act directed. The appropriate associations were involved in establishing a planning committee to develop procedures for a statewide study. This initial step was followed by a statewide conference on teacher certification in July 1950, at which tentative requirements were formulated and subsequently issued in the bulletin, *Toward Professional Competence for Teachers*.

During the 1950-51 school year, thousands of study groups were formed among professionals and laymen who submitted reports which were compiled for a second statewide conference in July 1951. This conference decided that certification requirements should be formulated to support desired teacher-education programs.

A steering committee of 19 members assumed the responsibility of publication, continued study, and the writing of revised proposals. As a result of its labors, a second publication, *Proposed Standards for the Certification of Texas Teachers*, was issued in 1952. It was duly disseminated and critiqued. Its recommendations were revised after much testimony. The resulting consensus became the basis for changes in the certification requirements in Texas.

The Governor's Committee on Public School Education—1960s

In 1965, the federal Elementary and Secondary Education Act ushered in an entirely new era in public education in Texas, as in other states. The effects of this legislation and funding cannot be completely assessed, for the outcome of many projects started under Title I, Title III and Title V is not yet known. Both the magnitude of funds available and the purposes to which those funds were to be directed were unprecedented.

By most standards of interstate comparison, Texas ranked near the bottom in educational effort and achievement, in part because it stood about 34th in per capita income and in part due to lack of planning. The Texas Legislature in 1965 authorized the establishment of a 15-member Governor's Committee on Public School Education with a mandate to prepare a definitive long-range plan for national leadership. The Legislature appropriated \$250,000 for a three-year study, with no strings attached, and gave the committee permission to seek additional funds from federal and private sources. This investment eventually totaled a million dollars from a variety of sources.

The long-range plan that resulted from the efforts of the Governor's committee centered around three major components:

- (1) Basic Foundation Program,
- (2) State Supplemental Aid Program, and
- (3) State Developmental Program.

The plan called for scheduled expansion of existing formulas and addition of new programs over a 10-year period from 1969-70 to 1978-79. It was estimated that the total cost of all state-supported public education programs (from combined state, local and federal sources) would exceed \$2 billion per year at the end of the decade, compared with \$840 million in 1968-69. This proposed massive increase did not include construction costs and debt retirement.

The long-range plan proposed by the committee proposed a massive transfusion of state aid for the large school districts, particularly those with high percentages of disadvantaged children. It required a major increase in the contributions of rural districts to the state program. As might have been predicted, the rural areas united in a near solid front of opposition to the reorganization and tax equalization features. The urban electorate, on the other hand, was slow to recognize or understand the issues, despite a concerted effort by the committee to explain the long-range plan.

Because of these inherent conflicts many of the recommendations were not immediately accepted; but with few exceptions, these recommendations were implemented during the past decade—although the cost was higher than anticipated—\$3.9 billion in 1981-82. The first reaction by the Legislature to the recommendations came in 1969 and was popularly referred to as House Bill 240. Significant changes included: the addition of kindergarten with a phase-in period, allocation of teacher aides on a ratio of one for each 20 teachers, 10 percent increase in maintenance and operation allocations, 20 percent increase in transportation, an average salary increase of \$750 per year the first year and \$1,000 in the second year with a long-range plan that provided five percent annual raises for 10 years of teaching experience.

Rodriguez and Reforms of the 70s

"In 1971 Texans were stunned into a realization of the ramifications of years of neglecting the problems of equity in school finance when a U.S. District Court declared the state's financing scheme unconstitutional."¹³ The case, *Rodriguez v. San Antonio ISD*, attacked the equity of the state funding system in that it discriminated against the poor districts and denied their students equal protection under the Fourteenth Amendment of the U.S. Constitution. The trial court "... held that the state's method, which relied heavily on local wealth, discriminated against children living in property-poor school districts. On appeal, arguments were heard in the U.S. Supreme Court in 1972 and in 1973 the Supreme Court reversed the lower court's findings."¹⁴

"Texas system was held as constitutional, but, even the majority opinion carried strong encouragement to Texas legislators to create a better method of school finance support."¹⁵

"The Texas Legislature failed to act in 1973, following the Supreme Court reversal in the Rodriguez case in March of that year, but, when the Sixty-fourth Legislature convened in January 1975, school finance again headed the major issues. The tangible outcome was House Bill 1126, a law which made some notable revisions in the state's financing plan, especially the addition of equalization aid under the umbrella of the renamed Foundation School Program. Local fund assignments were moved off the economic index and based on actual market value of taxable property in the districts."¹⁶ As a result of the controversy over the 1975 assessed valuations, a two-year study at a cost of \$5 million was commissioned to revalue all property.

An interim legislative committee studying property tax also recommended a plan to establish single appraisal offices for each county, replacing the several offices that currently certified widely varying assessed value figures for the same sets of property. The total funding for education was dramatically increased by the Legislature, with approximately one billion new state dollars appropriated for the biennium.

House Bill 1126 also moved away from the classroom teacher unit (ctu) to the personnel unit (pu) allocation system. Within certain limitations, districts were given wide latitude in the selection of the numbers and types of personnel that were needed in individual districts to meet their needs. The ratio of students to teachers was also adjusted by grade level and by types of students. For example, one personnel unit was to be allocated for each 19 students in ADA in K-3, but it took 21 students in ADA to earn one personnel unit for grades 4-6, and provided a differential for students in vocational education and special education as well as \$25.4 million for state compensatory education.

The issues of equalization and enrichment raised by the Rodriguez case and the dedication of the State Board of Education to the concept that all children should be afforded an equal opportunity for public education resulted in the work of the Board taking on a new focus. In order to effectively impact the legislative process, the chairman of the State Board appointed an ad hoc committee which began to plan and develop recommendations to improve education—not just for the present, but for the future. In December 1978, based largely on the work of this ad hoc committee, the Board submitted a number of recommendations to the legislature, ranging from the availability of instructional resources to efficiency of operations.

The Legislature failed to pass a school finance bill in the waning minutes of the 65th regular session. Consequently, the Board submitted a special supplement to its recommendations for school finance in June 1977 in preparation for the special session to be held in July.

Steady progress continued with the enactment of Senate Bill 1. This legislation increased the state's share of the Foundation School Program from 75 percent to approximately 85 percent. The power equalization component provided a maximum entitlement of \$210 per student for those districts whose average property value was in the lowest quartile of wealth. This legislation provided up to \$185 per ADA to other districts having less than

¹³Ibid, p. 9.

¹⁴Ibid, p. 9.

¹⁵Ibid, p. 9.

¹⁶Ibid, p. 9.

110 percent of the statewide average property value per student. All districts received \$110 per student for the maintenance and operations allotment.

Senate Bill 1 also reduced pupil-teacher ratios and cut the school year by five days. Additionally, the legislation established two new committees: The School Tax Assessment Practices Board to supervise tax assessment practices, and the Legislative Commission on Public School Finance to explore and develop a revised method for financing state programs of public school education. Comprehensive special education and vocational education were clearly included in the Foundation School Program. A new formula for special education was established and percentages of vocational and special education personnel units were subtracted from the districts' total personnel units in order to determine the regular program units.

In 1979, the Legislature passed Senate Bill 350, which once again provided almost \$1 billion in new state funds for the biennium. House Bill 1060, also passed at this time, provided \$220 million dollars to partially replace ad valorem tax revenues lost by school districts because of mandated exemptions authorized by the Legislature.

Senate Bill 350 was a compromise to accommodate the diverse needs in Texas in the most cost-effective and equitable manner within the funds available. The result was a narrowing of the gap between rich and poor, urban and rural, large and small. Local fund assignments were adjusted to provide for the use of index values. The Texas Assessment of Basic Skills, pilot programs for gifted and talented students, a fast growth formula, increased equalization aid, a balanced cycle for textbook adoptions, and added minimum aid protection were additional features.

The State Board of Education and Reform—1980s

The State Board of Education had become increasingly active in making recommendations for the future improvement of the public education system. Certain statistical and dramatic demographic data caused the Board to become concerned about the need to plan carefully.

With past disputes over the various elements of state support seemingly resolved, public school finance issues were considered in 1982 as a basic part of the total budget process. The State Board of Education provided leadership in this area by incorporating major school finance recommendations into its 1982-83 budget request which was submitted to the Legislative Budget Board and the Governor's Budget and Planning Office in July 1980.

This marked the first time in the 30-year history of the Foundation School Program that the legislative and executive budget agencies were called upon to consider all of the various elements of public education finance in developing budget recommendations. These recommendations were considered and debated by the Senate and House Education Committees throughout the session. Yet, in 1981, it was not a school finance bill which generated the storm and fury. School finance issues, which had dominated the closing days of each of the last four sessions, played second fiddle. Equalization of voters, not additional state aid dollars, ranked foremost in the legislative mind. But, even with this, the most extensive reform of a public education system occurred in Texas during the 67th Session of the Legislature than had in any other state in the past 30 years.

Senate Bill 180 completed putting all Foundation School Program elements into the appropriations process. House Bill 246 gave the State Board of Education responsibility in basic curriculum. Senate Bill 50 provided for competency testing of teachers. Senate Bill 477 completely revised Bilingual Education. HCR 23 called for a complete study of the vocational system.

In order to meet these major mandates, an ad hoc committee of State Board officers and committee chairmen was formed. Its purpose was to determine the best implementation plans for this massive revamping of our public school system. It was determined that the Board Committee structure should be task oriented and therefore be organized around major legislative mandates.

Therefore, the following standing committees now function:

- Rules, Budget and Finance
- Special Populations
- Teacher Preparation, School Support Service and Special Projects
- Instruction, Research and Evaluation
- Litigation and Appeals, and
- Investment of the Permanent School Fund

Also separate steering committees were created to work closely with Agency staff on Finance, Teacher Preparation, Curriculum, and Vocational Education—as well as three State Board members who serve on the Select Committee on Public Education.

Two special advisory committees, Public School Boards of Trustees and Public School Professional Personnel, consisting of 30 and 35 members, respectively, were established (See Appendix A). Each State Board member recommended one person from his or her congressional district. Additional members were included to give geographical and school size balance to the committee. These committees advise the Board on the implementation of these major legislative mandates. The members are from school districts representing various geographic locations, size of enrollments, ethnic populations, and other characteristics.

School Finance Study (S.B. 180)

The Texas Education Code, Section 16.001, states:

It is the policy of the State of Texas that the provision of public education is a state responsibility and that a thorough and efficient system be provided and substantially financed through state revenue sources so that each student enrolled in the public school system shall have access to programs and services that are appropriate to his or her educational needs and that are substantially equal to those available to any similar student, notwithstanding varying local economic factors.

On June 1, 1982, the 67th Legislature passed and the Governor signed Senate Bill 180, Subchapter K, Section 16.503 of which stated:

By July 1, 1982, the Central Education Agency shall have conducted a study of school finance and shall reflect the results of the study in the agency's recommendations to the Legislative Budget Board regarding state appropriations for the 1983-1984 and 1984-1985 school years. The study shall include but not be limited to local property tax burden variance in purchasing power of the dollar in different types of school districts as compared to the state average. The study shall also consider the development of alternative finance formulas and/or formula adjustment for use by the Legislative Budget Board and the Legislature.

Complete and current tax data was a mandatory ingredient for a comprehensive school finance study. Appropriate data were not available on a district-by-district basis until September 1982. Therefore, it was necessary to divide the study into two phases.

Preliminary findings of the first phase of the study were reflected in the State Board of Education's recommendations for the Foundation School Program to the Legislative Budget Board in July 1982. (See Appendix H) The second phase will include the tax data and is scheduled to be completed in November 1982. Based upon this information, impact models are currently being run to look at possible modifications in such areas as local fund assignment, equalization aid, M & O payments, and some categorical programs.

In addition to the tax data from the State Property Tax Board, information has been gathered from Texas Education Agency files and through responses to a School Finance Study Questionnaire/Opinionnaire which was mailed in February 1982 to 550 randomly selected school districts throughout the state. Four hundred eighty-two of the surveys were completed and returned.

Teacher salaries have been and continue to be a major concern of the finance study. Student population is growing while the number of teachers being trained by Texas colleges and universities is decreasing. At the same time, the attrition rate for teachers presents another equally disturbing factor. Current trends show a significantly greater number of teachers leave the profession during their first four years in the public school system. After the fifth year, the attrition rate drops. (See Subcommittee Report on Educational Personnel.)

While there may be a number of reasons for the impending teacher shortage, attention is focused on salaries as the primary cause. Teacher salaries, particularly at the entry level, do not appear to be competitive with business and industry for positions requiring similar levels of education.

In order to address this concern, the Finance Study concentrated on the options available for re-structuring the current state salary schedule. The ideal plan should have two objectives:

- (1) Provide significant increases for beginning teachers
- (2) Provide a longevity system to reward career teachers

The study is currently contemplating a salary schedule that significantly compresses the number of years that it takes to move from beginning salary to maximum salary. That schedule also would eliminate the present requirement for holding teachers with more than ten years experience in the same step for more than one year. The schedule would significantly improve beginning salaries and move all personnel from beginning to maximum over a twelve-step schedule with one year in each step. While the salary increase per teacher would vary with experience, it is proposed that all would be guaranteed a \$1600 salary increase each year of the biennium for a total of \$3200.

It should be noted that these concepts are similar and do not conflict with recommendations contained in the report of this Committee's Subcommittee on Educational Personnel.

Curriculum Reform (H.B. 246)

While funding is imperative, the concern over the quality of the educational system must remain. This was reflected by legislative enactment curriculum reform and teacher competency testing.

When the State Board of Education is charged with the responsibility for teacher competency and curriculum, it is at the very heart of education in the classroom. The recent Texas Assessment of Basic Skills Test scores are a source of pride for many districts. For others, the scores indicate major problems. Test scores, of course, are not the only indicator of quality. But obvious problems revealed by these results will not be cured by ignoring them. In the 1980s the challenge of delivering quality public education will be a major concern for the State Board of Education and the Legislature.

House Concurrent Resolution 90 of the 66th Texas Legislature directed the State Board of Education to undertake a study of the curriculum of the Texas public schools and recommend necessary changes in law to ensure that desired elements would become state policy. This study resulted in the Board's recommendation that the state approach to curriculum be revised. The Governor's Advisory Committee on Education also conducted a separate study of the curriculum in the public schools and came to the same conclusion as the Board. As a result, it was agreed that both entities would support a single piece of legislation to restructure the state's approach to curriculum development and implementation. This cooperative effort, along with the general support of the public school community, resulted in the passage of House Bill 246, 67th Legislature, which amended Section 21.101, Texas Education Code.

Revision of the public school curriculum is underway (See Appendix C). This legislation repealed laws requiring certain specific courses or topics to be taught and established 12 subject areas that would constitute a well-balanced curriculum for each school district that offers grades kindergarten through 12. The 12 subject areas are:

- (1) English language arts;
- (2) other languages;
- (3) mathematics;
- (4) science;
- (5) health;
- (6) physical education;
- (7) fine arts;
- (8) social studies;
- (9) economics, with emphasis on the free enterprise system and its benefits;
- (10) business education;
- (11) vocational education; and
- (12) Texas and United States history as individual subjects and in reading courses.

The State Board of Education was given the responsibility of establishing the essential elements, or core curriculum, for the 12 subject areas (See Appendix D for Mathematics example).

The first step in the process was to give professional educators an opportunity to assist in the development of initial curriculum recommendations and related matters (See Appendix E). Four steps were undertaken in developing the recommendations:

- (1) Geographic Representation—The state was divided into four geographic zones. Each zone was comprised of the five regional education service centers in that area.

- (2) Curriculum Cluster—The 12 subject areas identified by the new law were combined into clusters:
- Cluster A—English language arts, mathematics, fine arts, other languages
 - Cluster B—vocational education, science, health, physical education
 - Cluster C—social studies, economics, business education, Texas and United States history
- (3) Participant Representation—School district superintendents and professional curriculum associations nominated subject area specialists, generalists, and administrators. The nominations were transmitted through the education service centers, and the Commissioner of Education appointed 25 to 30 persons from each zone for each separate cluster. The appointees represented a cross section of school districts and educational personnel. About 350 persons from more than 200 school districts participated.
- (4) Work Sessions—One two-day work session for each cluster was scheduled in each zone. Cluster A met in January 1982, Cluster B in April and May 1982, and Cluster C in July and August 1982. Work session participants identified the essential elements of the basic curriculum that should be taught in every classroom in Texas. Graduation requirements and other pertinent matters also were discussed at these regional meetings.

After the four work sessions for each cluster were completed, the chairmen met in Austin to develop a single set of recommendations which reflected the consensus from the sessions. On October 18-19, 1982, the chairmen from Clusters A, B and C met to develop a single report for the 12 subject areas from the cluster meeting recommendations. This report of the professional educators will serve as the basis for further development pursuant to the Board's implementation plan.

The recommendations of the professional educators were studied by the Public School Professional Personnel Advisory Committee on December 1, 1982, and by the Public School Boards of Trustees Advisory Committee on December 2, 1982. The State Board of Education will receive the recommendations from the special committees in the Spring of 1983 and will make revisions as it deems necessary. Hearings will then be conducted during the Summer of 1983 to provide the general public an opportunity to review and comment on the proposed curriculum.

The draft document will be widely distributed in the late spring to ensure that all interested persons have full opportunity to review it prior to the public hearings. The new curriculum will focus on the basic elements of education. As a result, State Board rules, accreditation standards, graduation requirements, curriculum frameworks, and textbooks will be revised. The Board will study the draft documents and comments from the public hearings. Rules are scheduled to be adopted for a first reading and filing authorization in early 1984. Final adoption is tentatively scheduled for the Spring of 1984. The Board also intends to adopt a transition plan to guide the school districts and the Central Education Agency in implementing the revised curriculum beginning in the 1984-85 school year.

The essential elements ultimately adopted by the State Board of Education will provide a curriculum for all school districts in the state and will serve as the basis for textbook adoptions. The Board will be able to provide publishers with proclamations that delineate specific elements that must be included. This procedure should ensure that textbooks are based on the Texas curriculum.

The essential elements will also serve as the basis for development of the comprehensive examinations that will be administered to candidates for teacher certification.

Competency Testing for Teacher-(S.B.50)

The State Board of Education, in response to Senate Bill 903, of the 66th Legislature, appointed 16 educators to the Commission on Standards for the Teaching Profession and provided for studies on certification and teacher competency testing as specified in the statute.

The Texas Legislature responded to recommendations of the Commission and the Board by enacting Senate Bill 50, which amended Section 13.032 of the Texas Education Code to include a requirement for satisfactory scores on tests as a prerequisite to entry into a teacher education program and to certification for teacher and administrative positions in Texas. The statute also authorized the Board to establish by rule classes of certificates.

In January 1982 the Board approved Rule 19 Texas Administrative Code, Section 141.4, Testing Requirements. Under the provisions of this rule, persons seeking admission to a teacher education program in an approved college/university after May 1, 1984, must achieve a satisfactory level of performance on a competency examination of basic skills. In addition, persons desiring certification after graduation from an approved teacher education program after May 1, 1986, must achieve satisfactory performance on a comprehensive examination. A separate examination must be a condition for certification as an administrator.

The *Pre-Professional Skills Test* developed by Educational Testing Service was adopted by the Board after review and recommendation from the Commission. Rules governing the approval and operation of testing centers by colleges and universities were approved by the Board. These rules establish requirements for individuals being tested as well as requirements for the operations of the test centers. They also require all test scores to be submitted to the Texas Education Agency to be retained for certification purposes.

Utilizing funds appropriated by the Legislature, a contract with IOX Company for validating the approved basic skills tests and for pilot testing to secure data for determining the pass/fail criteria for the test was approved by the Board. This project is designed to be completed by December 1983. Rules by the Board governing pass/fail criteria will be in place before the effective date of the testing rule in 1984.

Senate Bill 50 also requires satisfactory performance on a comprehensive examination prescribed by the Board as a condition to certification as a teacher and a separate examination as a condition to certification as an administrator. The Board rule requires persons certified after May 1, 1986, to have satisfactory scores on a comprehensive exam. (See Appendix F)

The comprehensive examination prescribed as a condition to certification as a teacher and as an administrator requires careful coordination with proposals for public school curriculum revision as required in House Bill 246 of the 67th Legislature and the development of program standards for teacher education as required by Senate Bill 903 of the 66th Legislature.

Studies and recommendations scheduled to be made by the Commission and the Board include:

- Ordering the areas of specialization according to priority needs to determine the tests to be developed first.
- Studying feasibility of using existing tests.
- Determining number of tests to be given, i.e., generic tests with sub-tests in each academic discipline or individual tests for all disciplines.
- Contracting for test development, if existing tests are not used.
- Conducting validation and pilot studies for tests.
- Developing rules for pass/fail criteria, test administration, etc.

The Board, utilizing recommendations from the Commission approved new rule 19 TAC 141.2, Classes of Certificates, to be effective May 1, 1986. This rule provides for three levels of certificates, two of which are renewable.

The entry-level Provisional Certificate will be valid for three years and may be renewed one time by completing additional courses in the area of the certificate.

The Standard Certificate is the second level of certificate and requires a valid provisional certificate, successful teaching experience, recommendation by employing school district, and completion of additional studies. This certificate is valid for seven years and is renewable.

The Professional Certificate, valid for life, requires a master's or doctor's degree as well as a valid provisional or standard certificate.

The effective date of the rule for classes of certificates is designed to coincide with the rule for competency testing. The first persons to be issued renewable provisional certificates will be the first persons completing the competency tests.

Provisions are made in the rules for currently certified persons to be safe-guarded. No new requirements will be required for persons holding certificates issued before May 1, 1986.

Bilingual Education - S.B.477

Senate Bill 477, codified in the Texas Education Code from 21.451 through 21.463, expanded and improved previous state statutes requiring bilingual education for children of limited English proficiency. The statute clearly provides that English is the basic language of the state and that public schools are responsible for providing full opportunity for all students to become competent in speaking, reading, writing and comprehending the English language. But it also readily acknowledges that experience has shown that instruction given only in English for children of limited English proficiency (LEP) is often inadequate; consequently, it provides for bilingual education and special language programs to meet the needs of LEP children and facilitate their integration into the regular school curriculum.

The statute charges the State Board of Education with developing rules and procedures (See Appendix G) in such areas as student identification, program entry and exit criteria, teacher certification, fund allocation, and language proficiency assessment committees. The State Board of Education, through the Commission on Standards for the Teaching Profession and the Coordinating Board, is also responsible for the development of a comprehensive plan for meeting the teacher supply needs created by bilingual education. A report is scheduled to be transmitted to the 68th Legislature in December 1982.

Districts with 20 or more LEP children in the same grade level in any language classification are required to offer bilingual education in kindergarten through elementary grades; bilingual education, English as a second language (ESL), or other transitional language instruction approved by the Agency in post-elementary through grade 8; and English as a second language in grades 9-12. The Commissioner is authorized to grant one year exceptions to districts unable to offer bilingual education programs provided they demonstrate good faith efforts in trying to establish a program and in the interim provide alternative methods to assist LEP children.

The required bilingual program is a full-time program of dual language instruction that provides for learning basic skills in the primary language of the LEP children and carefully structured and sequenced mastery of English language skills. The English as a second language program is a program of intensive instruction in English from specially trained teachers. Both programs require the participation of LEP children with their English-speaking peers in such subjects as art, music and physical education, and both programs require the incorporation of the cultural aspects of the students' background in learning experiences.

In order to assist with operational expenses of the program, districts receive all regular foundation funds and personnel units for LEP children, the same as for non-LEP children. In addition, they also receive \$50 for each LEP child in a bilingual program and \$12.50 for each LEP child in an ESL program. Since personnel are already provided from the normal P.U. allocation, these funds are supplemental and may be used for special materials, equipment, evaluation, staff development, supplies, transportation and supplemental staff.

The Texas Education Agency is charged with monitoring local school districts to ensure compliance with the statute and rules for bilingual education and to apply sanctions as necessary to secure compliance.

In addition to the Finance Study, Curriculum Reform, Teacher Competency Testing, and Bilingual Education, the 67th Legislature passed other significant legislation aimed at improving public schools. Such legislation included School-Community Guidance Centers, Summer School Pilot Programs and Vocational Education Study. Summaries of the status of implementation efforts for these bills follow.

School Community Guidance Centers - H.B. 354

House Bill 354 (Section 16.401 et seq., Texas Education Code) authorized establishment of school-community guidance centers in districts with at least 6,000 average daily attendance (ADA) or cooperatives with a combined ADA or at least 6,000. Previously, these had been authorized on a pilot basis and not be continued without this affirmative action taken by the Legislature.

School-community guidance centers are designed to locate and assist students with problems which interfere with their education. The centers are an alternative to out-of-school suspension and students may be assigned to the centers for terms ranging from a few days to a semester or more. While in attendance at a school-community guidance center, a student may not be counted in the average daily attendance of the school district for other Foundation School Program purposes. Those students served by the center may include juvenile offenders and children with severe behavioral problems or character disorders. The program works cooperatively with appropriate municipal and county offices and with the Department of Mental Health and Mental Retardation, the Department of Human Resources, the Department of Health and various private health care and treatment facilities.

Objectives of the school-community guidance centers include:

- (1) helping students with assignments from their home schools or conducting an alternative curriculum;
- (2) counseling;
- (3) coordinating services with other agencies;
- (4) encouraging parental involvement; and
- (5) follow-up with students once they return to the regular school.

The 1981-83 legislative appropriation for school-community guidance centers was \$500,000. Rule 19, Section 85.22 (e) of the Texas Administrative Code stipulates that funds be used only for personnel salaries. Personnel in school-community guidance centers include teachers, attendance consultants and educational aides. (See Appendix H)

Sites for school-community guidance centers were selected on a competitive basis. Eleven centers were funded for 1981-83. Data concerning this alternative instructional arrangement may be found in this Committee's Subcommittee Report on Alternative Instructional Arrangements.

Summer School Pilot Programs - (H.B. 603)

House Bill 603 (Section 16.521 et seq., Texas Education Code) established a state plan for the operation of summer school pilot programs to be financed by the state and local school districts. An appropriation of \$2 million was made to the Central Education Agency for the development of a state plan for operation of summer school pilot programs for the biennium ending August 31, 1983. (See Appendix I)

The summer school programs are designed to provide additional days of instruction for:

- (1) elementary and secondary students who do not accomplish designated minimum grade level objectives;
- (2) secondary students who do not accomplish designated minimum objectives in a required course during the regular school term; and
- (3) elementary and secondary students who are identified as having limited English proficiency.

The State Board authorized the Commissioner to establish 12 to 15 summer school pilot programs (See Appendix I) intended to determine the feasibility of providing remedial instruction for students who do not accomplish minimum objectives for a certain grade level during the regular school term and for those identified as having limited English proficiency.

Districts applying to conduct a pilot program were required to submit an application describing the program, its budget, approaches for attracting students, and measurable program objectives. Available funds for pilot programs were not to exceed \$100,000 for any one project, and approval was given initially for only one year. Each district operating in a summer school pilot program participated in an evaluation to determine overall effectiveness of the programs.

Out of 48 districts applying for funds, 15 summer school pilot programs were approved for the 1982 summer session. The districts submitted a budget which then went through a negotiation/approval process. Some districts used local funds to supplement TEA grants for the program. Grade levels included in the programs ranged from 1st through 9th. Districts included in the program ranged from 118,055 to 494 ADA.

A review process was conducted by TEA staff, with on-site monitoring of each pilot program. A preliminary report on the programs is available and another report will be issued at the close of the 1982-83 school year which will determine students' retention of information learned in the summer school programs.

A Study of Vocational Education - (H.C.R. 23)

House Concurrent Resolution 23 directed the State Board of Education to conduct an objective and comprehensive study of the state structure for the delivery of vocational-occupational training. The study was to be made by an entity that has no affiliation with the state vocational enterprise, and was to formulate a systematic design for public-occupational education. A special legislative committee was created to review the completed study. Any additional recommendations or drafts for legislation were to be submitted to the 68th Legislature. Members of the committee include: Representatives Jerry Clark, Erwin Barton, Wayne Peveto and Bill Presnal appointed by the speaker, and Senators Grant Jones and Hector Uribe appointed by the lieutenant governor.

The State Board of Education contracted with Research Triangle Institute of Triangle Park, North Carolina, in the amount of \$386,736. Funding for the study includes \$200,000 from the Texas Department of Community Affairs and the remainder from Central Education Agency funds.

There are 11 deliverables in the contract, each with a scheduled delivery date. These are:

- (1) Develop a method to determine current and future (5 years) job skill needs.
- (2) Determine current and future (5 years) job skill needs.
- (3) Develop and implement a system for prioritizing state job skill needs.
- (4) Determine effectiveness of current training programs.
- (5) Enumerate current statewide responsibilities of all public training entities.
- (6) Identify overlapping and competing jurisdictions and duplications.
- (7) Determine appropriate age and ability levels for various types of training.
- (8) Recommend most effective role for each public administrative and training entity.
- (9) Develop models to provide statewide coverage of training programs.
- (10) Develop a state system for articulation of training.
- (11) Recommend statutory revision, including resource dedication, for implementation of a comprehensive, nonduplicative and articulated system of public vocational-occupational education.

Agency staff was assigned to oversee the study to insure that it proceeds in accordance with the intent of HCR-23. A rough draft of the preliminary report was presented to the State Board of Education at its October 9 board meeting. It is in the process of being revised by RTI and it will be reviewed by the State Board's Professional Personnel and Boards of Trustees Advisory Committees late in October 1982. Research Triangle Institute will submit its final report to the State Board in November. The State Board will then transmit the final report to the Legislative Committee for its consideration.

The On-Going Process

As a result of the creation of the Select Committee on Public Education and a review of the major reforms passed during the 67th Legislative Session, it was determined that there were still some areas in the educational system that needed to be studied. The Select Committee, therefore, divided itself into six subcommittees designed to focus in on key areas of concern and work toward the perfection of the public education process in Texas.

- Legislative Implementation, charged with a liaison relationship to the State Board of Education concerning the implementation of education legislation passed during the 67th Session.
- Changing Technology in Instruction, charged with studying various methodologies of instruction in Texas public schools relative to modern and anticipated technological advances;
- Alternative Instructional Arrangements, charged with exploring alternative instructional arrangements including the magnet school concept, school-community guidance centers and summer schools;
- Educational Personnel, charged with studying the issues affecting educational personnel in Texas public schools;
- Recodification of the Education Code, charged with reviewing the *Texas Education Code* relative to the need for a recodification project; and
- Construction, Rehabilitation and Repair, and Capital Debt Financing, charged with examining the issues facing Texas school districts today in the area of facility construction and in the financing of such projects.

This report reflects the work of the Legislative Implementation Committee.

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Appendix A

Public School Boards of Trustees Advisory Committee

Dr. Paul McCash, Chairman
Member, Board of Trustees
Texarkana ISD

Monte Hasie
President, Board of Trustees
Lubbock ISD

Dr. Arturo Medina
Member, Board of Trustees
Corpus Christi ISD

Helen Huey, Vice-Chairman
Member, Board of Trustees
Spring Branch ISD

Wiley E. Henry
Member, Board of Trustees
Houston ISD

Ham Middlebrooks
President, Board of Trustees
Abilene ISD

Pat Shannon, Secretary
Member, Board of Trustees
Fort Worth ISD

Oscar Hernandez
Member, Board of Trustees
San Antonio ISD

John Quisenberry
Member, Board of Trustees
Ector County ISD

Betty Colley
Secretary, Board of Trustees
Huntsville ISD

Jesse L. Hibbetts, Jr.
Member, Board of Trustees
Brazosport ISD

Joe Schultz
Member, Board of Trustees
Dickinson ISD

Royce Collins
Member, Board of Trustees
Olton ISD

Dr. Glenn O. Hilburn
President, Board of Trustees
Midway ISD

Maxine Seals
Member, Board of Trustees
North Forest ISD

Robert D. Cummings
Member, Board of Trustees
Alief ISD

Harris Hill
Member, Board of Trustees
Garland ISD

James B. Starnes
Member, Board of Trustees
Galena Park ISD

Judi Faurot
Member, Board of Trustees
Hurst-Euless-Bedford ISD

Wilburn D. Hilton, Jr.
Member, Board of Trustees
Greenville ISD

Mary Tippin
Member, Board of Trustees
El Paso ISD

Tarrant Fendley
Member, Board of Trustees
Houston ISD

Dr. Dale Jackson
Member, Board of Trustees
Lewisville ISD

Bryson Whitlock
President, Board of Trustees
Hays CISD

Adalberto Garza
Member, Board of Trustees
Houston ISD

Thomas Keese
Member, Board of Trustees
Bandera ISD

Donald H. Wills
President, Board of Trustees
Wichita Falls ISD

Sam C. Godfrey
Vice-President, Board of Trustees
Northside ISD

John J. Leal
Member, Board of Trustees
South San Antonio ISD

Joy Wood
President, Board of Trustees
Dell City ISD

Public School Professional Personnel Advisory Committee

Billy Reagan, Chairman
Superintendent
Houston ISD

Mrs. Kay Bell, Vice Chairman
Teacher
Texas City ISD

Mrs. Mary (Madalyn) Polasek,
Secretary
Director, Wilson County Coop for
Special Education
Floresville ISD

Dr. Charles Benson
Superintendent
Ysleta ISD

Jimmy Bickley
Superintendent
Robert Lee ISD

J. W. Booher
Superintendent
Lamar CISD

Dr. Jerome D. Bourgeois
Superintendent
Dickinson ISD

Mrs. Ann Brannon
Assistant Superintendent
for Instruction
Fort Worth ISD

Dr. Gerald D. Cobb
Superintendent
Galena Park ISD

Felix Cook, Jr.
Deputy Superintendent for
Personnel Services
Houston ISD

Dr. Don Collins
Superintendent
Klein ISD

Roy Dodds
Director, Special Services
Plains ISD

Dr. Eli Douglas
Superintendent
Garland ISD

Dr. Roger Gee
Superintendent
Victoria ISD

Mrs. Hilda Gorena
Teacher, Secondary Counselor
Mercedes ISD

Lynn C. Hise
Superintendent
Big Spring ISD

Mrs. Vaudrene Hunt
Teacher
Arlington ISD

Mrs. Eloise Koonce
Coordinator and Director of the
Planetarium
Richardson ISD

Dr. Kenneth Laycock
Executive Director, Region XVI
Education Service Center
Amarillo

Nelda McGuire
Title I Teacher
Little Cypress-Mauriceville ISD

Wayne Martin
Curriculum Director
Jacksonville ISD

Dr. C. Lee Meyer
Superintendent
Pasadena ISD

Mrs. Clovis O. Neel
Director, Vocational Education
Waco ISD

Larry Parkerson
Director, Elementary, Middle
Schools and Personnel
Galena Park ISD

Charles W. Pickitt
Teacher
Garland ISD

Dorothy Prince
Director, Elementary Education
Ector County ISD

Henry R. Rodriguez
Principal, Elementary School
Northside ISD

Dora Scott
Teacher
Houston ISD

Ida Louise Shaw
Supervisor/Language Arts
Houston ISD

Dr. B. J. Stamps
Superintendent
Amarillo ISD

Dr. James Terry
Administrative Officer, Secondary
Mesquite ISD

Jaretta Thompson
Elementary Teacher
Carthage ISD

Sam Thompson
Superintendent
Duncanville ISD

Bill Walters
Principal, Secondary
Greenville ISD

Dr. Ed West
Superintendent
North East ISD

APPENDIX B

ARTICLE III - AGENCIES OF PUBLIC EDUCATION TEXAS EDUCATION AGENCY FOUNDATION SCHOOL PROGRAM

	For the Years Ending		Present Statutes For the Years Ending		Financial Recommendations Requiring No New Legislation For the Years Ending		Financial Recommendations That Require New Legislation For the Years Ending	
	8/31/82	8/31/83	8/31/84	8/31/85	8/31/84	8/31/85	8/31/84	8/31/85
8. Foundation School Program Allocation to Local Schools								
Cost Factors:								
Refined ADA	2,670,414	2,714,937	2,771,010	2,845,145				
Regular units	129,937	132,077	134,609	138,128				
Vocational units	11,113	11,500	12,000	12,500				
Sp. Ed. Units	22,135	22,175	22,750	23,250				
a. Regular Program								
Salaries	\$2,034,000,000	\$2,273,441,401	\$2,349,900,000	\$2,429,141,000				
M & O	587,722,000	643,440,069	656,730,000	674,300,000	\$2,511,400,000	\$2,756,345,000		
Transportation	110,200,000	115,500,000	117,000,000	122,000,000	(10% 260) 720,462,600	(10% 286) 813,711,470		
TOTAL	2,731,922,000	3,032,381,470	3,123,630,000	3,225,441,000	(40%) 169,400,000	176,400,000		
					3,401,262,600	3,746,456,470		
b. Vocational Education								
Salaries	\$177,000,000	\$280,492,703	\$225,000,000	\$236,000,000				
M & O	3,987,000	4,192,400	4,593,000	4,793,000	\$242,000,000	\$271,000,000		
Contract Svc.	1,067,000	1,400,000	1,750,000	2,000,000	4,593,000	4,793,000		
Transportation	1,505,000	1,700,000	3,000,000	3,400,000	1,750,000	2,000,000		
TOTAL	183,559,000	215,785,103	234,343,000	246,193,000	4,200,000	4,760,000		
					252,543,000	282,553,000		
c. Special Education								
Salaries	\$310,875,000	\$343,516,875	\$366,236,000	\$380,179,000				
Transportation	19,957,000	21,500,000	23,500,000	26,000,000	\$395,000,000	\$436,000,000		
Other	18,975,000	20,000,000	24,000,000	26,000,000	32,900,000	36,400,000		
SUB-TOTAL	349,807,000	385,016,875	413,736,000	432,179,000	24,000,000	26,000,000		
Less Federal Funds	5,337,374	4,582,122						
TOTAL	344,469,626	380,434,753	413,736,000	432,179,000	451,900,000	498,400,000		

ARTICLE III - AGENCIES OF PUBLIC EDUCATION
TEXAS EDUCATION AGENCY
FOUNDATION SCHOOL PROGRAM

	For the Years Ending		Present Statutes		Financial Recommendations		Financial Recommendations	
	8/31/82	8/31/83	8/31/84	8/31/85	Requiring No New Legislation	For the Years Ending	That Require New Legislation	For the Years Ending
					For the Years Ending	8/31/85	8/31/84	8/31/85
					8/31/84			
d. Statewide Program for Visually Handicapped	4,280,000	5,407,000	5,533,524	5,663,842	5,975,000	6,612,000		
e. Regional Schools for Deaf	18,500,000	20,900,000	21,389,000	21,892,730	23,089,000	24,792,000		
f. Bilingual Education	8,812,500	9,125,000	9,125,000	9,125,000	11,000,000	12,100,000		
g. Driver Education	1,542,500	1,502,500	1,502,500	1,502,500	3,040,500	3,195,200		
h. Compensatory Education	50,575,000	50,600,000	50,600,000	50,600,000	(\$55) 55,660,000	(\$60) 61,226,000		
i. Equalization Aid, estimated	245,000,000	252,000,000	252,000,000	252,000,000	(\$432) 305,000,000	(\$432) 305,000,000		
j. Regional Media Centers estimated	2,550,000	2,670,414	2,714,937	2,771,010	4,751,140	6,234,773		
k. Computer Services, estimated	2,640,101	2,670,414	2,714,937	2,771,010	5,429,874	6,927,525		
l. Education Service Centers, estimated	7,128,272	7,210,118	7,330,330	7,491,727	(\$5) 13,574,685	(\$5) 13,855,050		
m. Incentive Aid, estimated	450,000	500,000	600,000	600,000	600,000	600,000		
n. Educational Television	1,271,219	1,271,219	1,271,219	1,271,219	1,625,000	1,625,000		
o. Sick Leave, estimated	6,975,000	7,390,000	7,790,000	7,890,000	7,790,000	7,890,000		
p. Student Teaching	2,100,000	2,200,000	2,200,000	2,200,000	3,000,000	3,000,000		

ARTICLE III - AGENCIES OF PUBLIC EDUCATION TEXAS EDUCATION AGENCY FOUNDATION SCHOOL PROGRAM

	For the Years Ending		Present Statutes For the Years Ending		Financial Recommendations Requiring No New Legislation For the Years Ending		Financial Recommendations That Require New Legislation For the Years Ending	
	8/31/82	8/31/83	8/31/84	8/31/85	8/31/84	8/31/85	8/31/84	8/31/85
q. Community Education	1,505,000	1,505,000	1,505,000	1,505,000				
r. Minimum Aid	20,905,000	21,000,000	*64,500,000	*122,700,000			3,000,000	3,000,000
s. Gifted and Talented	3,620,000	4,380,000	4,380,000	4,380,000	22,000,000	22,000,000		
t. Fast Growth Formula	-0-	-0-	2,500,000	2,500,000	8,760,000	10,950,000		
School Volunteer Program	-0-	-0-	-0-	-0-	2,500,000	2,500,000		
Early Childhood Intervention Program	6,360,000	6,648,000			484,701	517,661		
Summer School Pilot Program								
u. Prior Year Adjustments	-5,200,000	-3,000,000	-3,000,000	-3,000,000	5,000,000	5,000,000		
Total, Foundation School Program Cost, Excluding Agency Administration, Sums Certain & Estimated	3,638,965,218	4,022,580,991	4,206,365,447	4,397,677,038	-3,000,000	-3,000,000		
Less: Local Funds	420,664,349	455,111,000	*536,700,000	*616,400,000	4,581,985,500	5,018,434,679	3,000,000	3,000,000
	3,218,300,869	3,567,469,991	3,669,655,447	3,781,277,038	*461,000,000	*478,000,000		
BIENNIAL TOTALS	6,785,770,860		7,450,942,485		4,120,985,500	4,540,434,679	3,000,000	3,000,000
INCREASES		665,171,625			8,661,420,179		6,000,000	
				TOTAL		8,667,420,179		
				RECOMMENDATIONS		1,881,649,319		
				TOTAL INCREASES		127,952,154		
				Teacher Retirement		2,009,601,473		
				GRAND TOTAL				

* Change from 7-7-82 copy

Note: Local Funds amounts for '84 and '85 are before appeals

ARTICLE III - AGENCIES OF PUBLIC EDUCATION
TEXAS EDUCATION AGENCY
GENERAL AND TEXTBOOK FUNDS

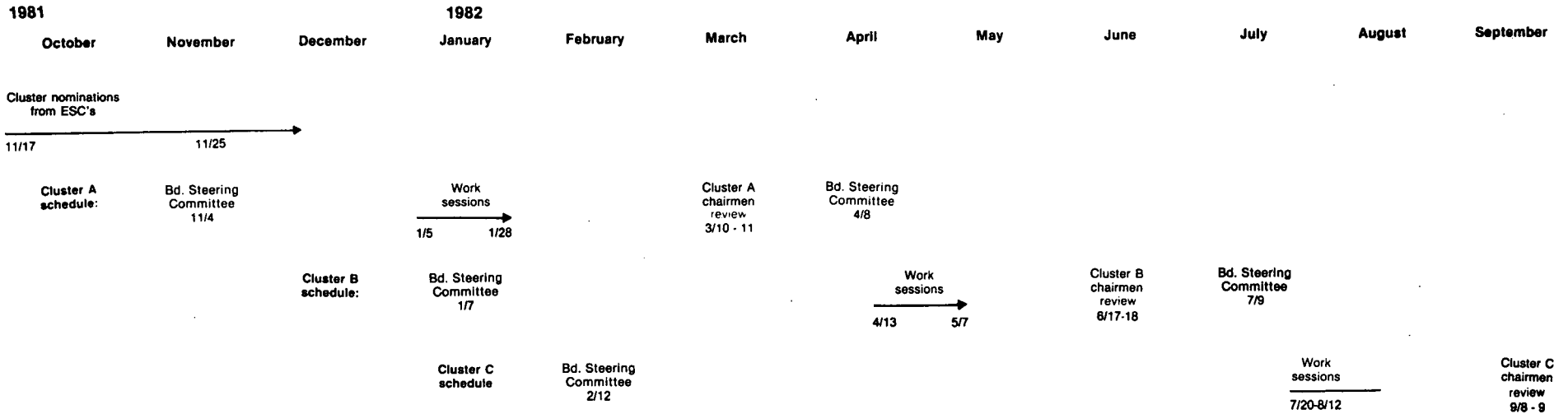
	For the Years Ending		Present Statutes		Financial Recommendations		Financial Recommendations	
	8/31/82	8/31/83	For the Years Ending	8/31/85	Requiring No New Legislation	For the Years Ending	That Require New Legislation	For the Years Ending
			8/31/84		8/31/84	8/31/85	8/31/84	8/31/85
9. Adult and Adult Vocational Education	7,275,000	7,275,000	7,275,000	7,275,000	10,000,000	10,000,000		
10. State Textbook Fund								
a. For textbooks; and for bilingual and kindergarten systems and materials	44,255,961	49,942,362	59,146,884	62,320,242	*70,922,940	*74,830,540		
b. For freight, estimated	725,000	775,000	825,000	875,000	*987,360	*1,041,760		
c. For braille and large type textbooks	525,000	550,000	575,000	600,000	*689,700	*727,700		
SUBTOTAL-State textbook fund	45,505,961	51,267,362	60,546,884	63,795,242	*72,600,000	*76,600,000		
11. School Lunch Program estimated	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000		
12. Federal Fund Allocations to Public Schools, estimated								
13. Driver Education & Traffic Safety, estimated	450,000	450,000	450,000	450,000	450,000	450,000		
14. School Bus Safety education	500,000	500,000	500,000	500,000	500,000	500,000		
15. Vocational/Technical Education					3,500,000	3,800,000		
a. (1) Secondary Schools	3,200,000	3,200,000	3,200,000	3,200,000	5,000,000	5,000,000		
(2) Secondary Schools, equipment	5,000,000	U B	5,000,000	U B	3,500,00	3,800,000		
(3) Post Secondary Schools	-0-	-0-	-0-	-0-	5,000,000	5,000,000		
(4) Post Secondary Schools, equipment	-0-	-0-	-0-	-0-				

*State Textbook Fund moved from last column on 7-6-82 copy

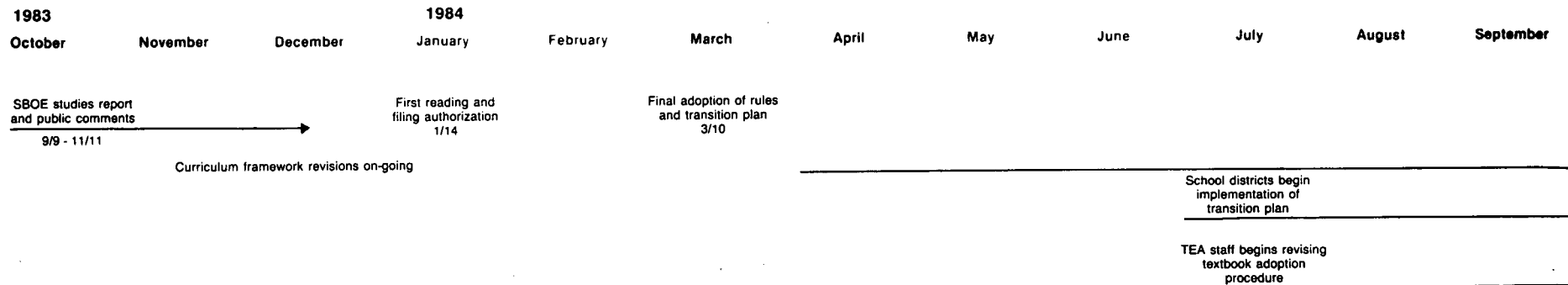
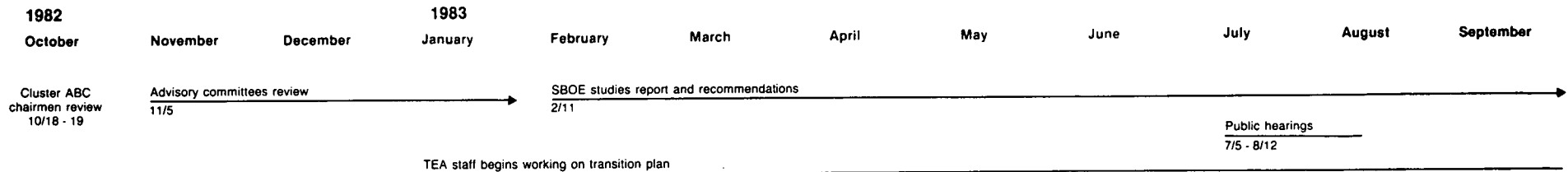
ARTICLE III - AGENCIES OF PUBLIC EDUCATION
TEXAS EDUCATION AGENCY
GENERAL AND TEXTBOOK FUNDS

	For the Years Ending		Present Statutes		Financial Recommendations		Financial Recommendations	
	8/31/82	8/31/83	8/31/84	8/31/85	8/31/84	8/31/85	8/31/84	8/31/85
b. Federal Funds Allocation Formula	-0-	-0-	-0-	-0-				
c. Federal Funds Allocation Discretionary	-0-	-0-	-0-	-0-				
d. Industrial start-up Training	1,780,000	U B	1,780,000	U B	2,780,000	U B		
e. Apprenticeship training	2,090,422	2,090,422	2,090,422	2,090,422	2,300,000	2,650,000		
SUBTOTAL-Vocational/Technical Education Programs, Sums Certain and Estimated	12,070,422	5,290,422	12,070,422	5,290,422	22,080,000	20,250,000		
16. Texas Assessment of Basic Skills	2,100,000	2,150,000	2,150,000	2,150,000	2,400,000	2,400,000		
17. Teacher Certificate Assessment	1,000,000	U B	-0-	-0-	-0-	-0-		
18. School Community Guidance Centers	500,000	500,000	500,000	500,000	500,000	500,000		
19. Summer School Pilot Programs	2,000,000	U B	-0-	-0-				
TOTAL, GENERAL and TEXTBOOK FUNDS, SUMS CERTAIN AND ESTIMATED	86,401,383	82,432,784	98,492,306	94,960,664	123,530,000	125,700,000		
BIENNIAL TOTALS	168,834,167		193,452,970		249,230,000			
INCREASES		24,618,803	TOTAL RECOMMENDATIONS			249,230,000		
			TOTAL INCREASES			80,395,833		

Appendix C



Board/Professional Advisory Committees work on-going



Appendix D

MATHEMATICS

▲ Indicates completion of emphasis
► Indicates continuation and progression

Every elementary school shall offer a mathematics program that includes the following essential elements:							
The student shall be provided opportunities to:							
MATHEMATICS	K	1	2	3	4	5	6
Concepts and skills associated with understanding of number (whole, integer, and non-negative rational) and the place-value system	Experience at the readiness level: <ul style="list-style-type: none"> number concepts one-to-one correspondence ordering counting (objects) 	Acquire number concepts through: <ul style="list-style-type: none"> counting (objects) skip counting Comparing and ordering Use tens and ones Recognize fractions (models)	Acquire number concepts through: <ul style="list-style-type: none"> comparing and ordering skip counting investigating odds and evens Use hundreds, tens, and ones	*Compare and order *Use odds, evens, and skip counting Use place value Identify decimal place value (tenths and hundredths) *Use fractions (models) Recognize equivalent fractions (using models)	Round numbers Use decimals (place value)	*Compare and order Use exponential notation *Use decimals *Identify equivalent fractions	Study the history of numeration systems Use rounding Factor (primes and composites) Find relationships between fractions, decimals, percents, and ratio Recognize the least common multiple Recognize the greatest common factor Use integers
The basic operations on numbers (addition, subtraction, multiplication, division), their properties, and their uses	Experience at the readiness level: <ul style="list-style-type: none"> physical representations of addition and subtraction 	Add and subtract whole numbers (using manipulatives)	Add and subtract whole numbers Demonstrate multiplication concepts of whole numbers (using concrete materials)	*Add and subtract whole numbers and decimals *Multiply whole numbers Divide whole numbers Recognize inverse operations	*Add, subtract, and multiply whole numbers and decimals *Divide whole numbers Use inverse operations	Add, subtract, multiply, and divide integers and decimals Add, subtract, and multiply fractions	
Experience in solving problems by selecting and matching strategies to given situations	Experience at the readiness level: <ul style="list-style-type: none"> oral problem solving with objects identifying patterns 	Apply addition and subtraction Measure (using measuring instruments)	Apply addition and subtraction Use charts and graphs	Estimate with whole numbers *Use basic operations Use inverse operations Use geometry	Estimate with whole numbers and decimals *Use basic operations with whole numbers and decimals Apply geometric concepts	Solve equations	

*Assessed by TABS at this grade but presented in previous grades.

APPENDIX E

HOST EDUCATION SERVICE CENTERS FOR REGIONAL WORK COMMITTEE SESSIONS

Education Service Center/Host	Location	Zone	Cluster	Meeting Date	Contact Person
Region IV Dr. Tom Pate, Jr., Ex. Dir.	7200 West Tidwell Houston, Texas	4	A	Jan. 5-7, 1982	Mrs. Lynn Hale Telephone: 713/462-7708
Region I Mr. Lauro Guerra, Ex. Dir.	1900 West Schunior Edinburg, Texas	1	A	Jan. 12-14, 1982	Mr. Jim Cherry Telephone: 512/383-5611
Region X Mr. Hayden W. Goodgion, Ex. Dir.	400 E. Spring Valley Rd. Richardson, Texas	3	A	Jan. 19-21, 1982	Dr. Joe Farmer Telephone: 214/231-6301
Region XV Mr. Clyde Warren, Ex. Dir.	612 South Irene San Angelo, Texas	2	A	Jan 26-28, 1982	Mr. David Smith Telephone: 915/658-6571
Region II Mr. Gerald Cook, Ex. Dir.	209 North Water Street Corpus Christi, Texas	1	B	Apr. 13-15, 1982	Dr. Louis Holder Telephone: 512/883-9288
Region XVII Dr. Delwin Webb, Ex. Dir.	4000 22nd Place Lubbock, Texas	2	B	Apr. 20-22, 1982	Dr. Woodie Coleman Telephone: 806/792-4000
Region XI Mr. R. P. Campbell, Jr., Ex. Dir.	3001 North Freeway Fort Worth, Texas	3	B	Apr. 27-29, 1982	Dr. Frank G. Buell Telephone: 817/625-4237
Region V Dr. Fred Waddell, Ex. Dir.	2295 Delaware Street Beaumont, Texas	4	B	May 5-7, 1982	Dr. Don Morrow Telephone: 713/835-5212
Region XII Mr. Mack Mullins, Ex. Dir.	401 Franklin Avenue Waco, Texas	3	C	July 20-22, 1982	Dr. Bob Coleman Telephone: 817/756-7494
Region XX Dr. Dwain Estes, Ex. Dir.	1314 Hines Avenue San Antonio, Texas	1	C	July 27-29, 1982	Dr. Art Gutierrez Telephone: 512/828-3551
Region VII Mr. Donald J. Peters, Ex. Dir.	818 East Main Street Kilgore, Texas	4	C	Aug. 3-5, 1982	Dr. Henrietta Grooms Telephone: 214/984-3071
Region XVIII Dr. J. W. Donaldson, Ex. Dir.	LaForce Blvd. Midland, Texas	2	C	Aug. 10-12, 1982	Mr. M. M. Sell Telephone: 915/563-2380

The state has been divided into four geographical zones, each comprised of five service centers:

Zone 1
Edinburg
Corpus Christi
Victoria
Austin
San Antonio

Zone 2
Amarillo
San Angelo
Lubbock
Midland
El Paso

Zone 3
Wichita Falls
Richardson
Fort Worth
Waco
Abilene

Zone 4
Houston
Beaumont
Huntsville
Kilgore
Mount Pleasant

Appendix F

Teacher Certification

Title 19, Part II Texas Administrative Code and Statutory Citations

§141.4 Testing Requirements.

Statutory Citation

- (e) The State Board of Education by rule shall require satisfactory performance on a competency examination of basic skills prescribed by the board as a condition to admission into an approved teacher education program. In addition, the board by rule shall require satisfactory performance after graduation on a comprehensive examination prescribed by the board as a condition to full certification as a teacher and shall require satisfactory performance on a separate examination prescribed by the board as a condition to certification as a superintendent or other administrator. The board shall prescribe the method of determining the satisfactory level of performance on a test under this subsection.
- (f) The State Board of Education may fix and require payment of a fee as a condition to taking an examination required by this section. The fee must be reasonable and designed to cover the costs of the agency relating to administration of the examination.
- (g) A person enrolled in a general academic teaching institution, as defined by Section 61.003(3) of this code, before the effective date of rules adopted under Subsection (e) of this section is entitled to enter an approved teacher education program of that institution or to remain in the program and complete it in accordance with the law and rules of the board in effect before the adoption of rules under Subsection (e) of this section. A person who before the effective date of rules adopted under Subsection (d) or (e) of this section was issued a teaching certificate in accordance with prior law is entitled to retain that certificate, and the rights of that person relating to certification shall be determined in accordance with the law and rules in effect before the adoption of rules under those subsections." (Texas Education Code §13.032)

Rule

- (a) To be admitted to an approved teacher education program, students must achieve a satisfactory level of performance on a competency examination of basic skills. The content to be tested and the criteria for satisfactory performance shall be established by the State Board of Education after recommendations have been made by the Commission on Standards for the Teaching Profession through the commissioner of education. This requirement shall apply to all persons admitted into an approved teacher education program after May 1, 1984.
- (b) Beginning May 1, 1986, in order to be approved for the provisional or professional teacher's certificate, additional teaching fields or areas of specialization, or endorsements, persons, including those holding a valid out-of-state certificate, shall be required to achieve a satisfactory level of performance on one or more examinations prescribed by the State Board of Education. Content to be tested and the criteria for mastery shall be prescribed for each area by the State Board of Education after recommendations have been made by the Commission on Standards for the Teaching Profession through the commissioner of

education. This requirement shall apply to certificates based on an approved college degree teacher education program.

- (c) Beginning May 1, 1986, in order to be approved for certification as a superintendent or other administrator, persons, including those holding a valid out-of-state certificate, shall be required to achieve a satisfactory level of performance on an examination prescribed by the State Board of Education. Content to be tested and the criteria for mastery shall be prescribed by the State Board of Education after recommendations have been made by the Commission on Standards for the Teaching Profession through the commissioner of education.

Source: The provisions of this §141.4 adopted January 1982 to be effective February 8, 1982, 7 Tex Reg 350.

Appendix G

Bilingual Education Subchapter R. Bilingual Education and Other Special Language Programs

Title 19, Part II
Texas Administrative
Code and Statutory
Citations

§77.351 Policy.

Statutory Citation

“State Policy. English is the basic language of the State of Texas. Public schools are responsible for providing full opportunity for all students to become competent in speaking, reading, writing, and comprehending the English language. The legislature finds that there are large numbers of students in the state who come from environments where the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of these students. The legislature recognizes that the mastery of basic English language skills is a prerequisite for effective participation in the state’s educational program. The legislature believes that bilingual education and special language programs can meet the needs of these students and facilitate their integration into the regular school curriculum. Therefore, pursuant to the policy of the state to insure equal educational opportunity to every student, and in recognition of the educational needs of students of limited English proficiency, it is the purpose of this subchapter to provide for the establishment of bilingual education and special language programs in the public schools and to provide supplemental financial assistance to help local school districts meet the extra costs of the program.” (Texas Education Code §21.451)

“Bilingual education or special language programs as defined by this act shall be taught in the public schools only for the purpose of assisting the learning ability of limited English proficiency students and to enhance the English language.” (S. B. 477 §2, Acts of the 67th Legislature, Regular Session, 1981)

Rule

- (a) It is the policy of the State Board of Education that every student in the state who has a home language other than English and who is identified as limited English proficient shall be provided a full opportunity to participate in a special language program. Each school district shall be responsible for identifying limited English proficient students based on criteria established by the State Board of Education, for providing special language programs, and for actively seeking qualified teaching personnel.
- (b) The goal of bilingual education and other special language programs shall be to enable students of limited English proficiency to become competent in speaking, reading, writing, and comprehending the English language. Such programs shall emphasize the mastery of basic English language skills in order for students to be able to participate effectively in the regular program as soon as practicable.
- (c) Bilingual education and other special language programs shall be integral parts of the total school program. Such programs shall use instructional methodologies designed to meet the special needs of limited English proficient students. The basic curriculum content of the programs shall be the same as for the regular school program.

§77.352 Required Bilingual Education and Special Language Programs.

Statutory Citation

“Establishment of bilingual education and special language programs.

- (a) The State Board of Education shall adopt rules establishing a procedure for identifying school districts that are required to offer bilingual education and special language programs in accordance with this subchapter.
- (c) Each school district which has an enrollment of 20 or more students of limited English proficiency in any language classification in the same grade level shall offer a bilingual education or special language program.
- (d) Each district that is required to offer bilingual education and special language programs under this section shall offer the following for students of limited English proficiency:
 - (1) bilingual education in kindergarten through the elementary grades;
 - (2) bilingual education, instruction in English as a second language, or other transitional language instruction approved by the agency in post-elementary grades through grade eight; and
 - (3) instruction in English as a second language in grades nine-12.
- (e) If a program other than bilingual education must be used in kindergarten through the elementary grades, documentation for the exception must be filed with and approved by the commissioner of education, pursuant to the rules of the State Board of Education.
- (f) An application for an exception may be filed with the commissioner of education when an individual district is unable to hire a sufficient number of endorsed bilingual teachers to staff the required program. The exception must be accompanied by:
 - (1) documentation showing that the district has taken all reasonable affirmative steps to secure endorsed bilingual teachers and has failed;
 - (2) documentation showing that the district has affirmative hiring policies and procedures consistent with the need to serve limited English proficiency students;
 - (3) documentation showing that, on the basis of district records, no teacher with a bilingual endorsement or emergency credentials has been unjustifiably denied employment by the district within the past 12 months; and
 - (4) a plan detailing specific measures to be used by the district to eliminate the conditions that created the need for an exception.
- (g) An exception shall be granted under subsection (f) of this section on an individual district basis and is valid for only one year. Application for an exception a second or succeeding year must be accompanied by the documentation set forth in subdivisions (1), (2), (3), and (4) of subsection (f) of this section.
- (h) During the period of time for which the school district is granted an exception under subsection (f) of this section, it must use alternative methods approved by the commissioner of education, pursuant to the

rules of the State Board of Education, to meet the needs of its students of limited English proficiency such as, but not limited to, the hiring of teaching personnel on a bilingual emergency permit." (Texas Education Code §21.453)

Rule

- (a) Each school district which has an enrollment of 20 or more students of limited English proficiency in any language classification in the same grade level shall offer a bilingual or special language program in accordance with Texas Education Code §21.543.
 - (1) Bilingual education, as defined in §77.353 of this title (relating to Program Content; Method of Instruction) shall be offered in kindergarten through those grades designated as "elementary grades" as certified to the Texas Education Agency for the Texas Public School Directory. Such designation shall include at least kindergarten through grade five.
 - (2) Bilingual education or instruction in English as a second language or other transitional language instruction, as defined in §77.353 of this title (relating to Program Content; Method of Instruction), shall be offered in those grades designated as "post-elementary" in each school district through grade eight.
 - (3) Instruction in English as a second language shall be offered in grades nine through 12.
- (b) Districts which are unable to offer bilingual education as required by subsection (a)(1) of this section shall request approval from the commissioner of education to offer an alternative program. Such approval shall be effective for one school year only. The request for approval for an alternative program shall be submitted by August 15 of each year and shall include the following:
 - (1) a statement of the reasons why the district is unable to offer bilingual education, with supporting documentation;
 - (2) a description of the proposed alternative program to meet the needs of the district's students of limited English proficiency; and
 - (3) a description of the actions the district will take to ensure that the program required under subsection (a) of this section will be provided the subsequent year.
- (c) The commissioner of education may authorize the establishment of a bilingual education program in districts not required to provide such a program under subsection (a) of this section. Districts wishing to establish such a program shall request authorization from the commissioner of education.
- (d) School districts not required to provide a bilingual education or other special language program under Texas Education Code §21.453, shall provide an English as a second language program to all students of limited English proficiency in grades kindergarten through 12. Such English as a second language programs shall be provided in accordance with the requirements in this subchapter.

§77.353 Program Content; Method of Instruction.

Statutory Citation

- "(a) The bilingual education program established by a school district shall be a full-time program of dual-language instruction that provides for learning basic skills in the primary language of the students of limited English proficiency who are enrolled in the program and that provides for carefully structured and

sequenced mastery of English language skills. The program shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds.

- (b) The program of instruction in English as a second language established by a school district shall be a program of intensive instruction in English from teachers trained in recognizing and dealing with language differences. The program shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds.
- (c) In subjects such as art, music, and physical education, students of limited English proficiency shall participate fully with English-speaking students in regular classes provided in the subjects.
- (d) Elective courses included in the curriculum may be taught in a language other than English.
- (e) Each school district shall insure to students enrolled in the program a meaningful opportunity to participate fully with other students in all extracurricular activities." (Texas Education Code §21.454)

Rule

- (a) Bilingual education is a methodology of dual language instruction. Bilingual education programs provided under this subchapter shall include the following six components:
 - (1) Basic concepts starting the student in the school environment shall be taught in the student's primary language.
 - (2) Basic skills of comprehending, speaking, reading, and writing shall be developed in the student's primary language.
 - (3) Basic skills of comprehending, speaking, reading, and writing shall be developed in the English language.
 - (4) Subject matter and concepts shall be taught in the student's primary language.
 - (5) Subject matter and concepts shall be taught in the English language.
 - (6) Attention shall be given to instilling in the student confidence, self-assurance, and a positive identity with his or her cultural heritage.
- (b) The degree of emphasis in each component shall depend on the language proficiency, social, emotional, and achievement levels of the student. Such determinations regarding the instructional program shall be made by school district personnel based on all available information about the students in the program.
 - (1) The amount of time and treatment accorded to the two languages shall be based on the student's proficiency in each. The program shall provide for a carefully structured and sequenced mastery of English language skills.
 - (2) The amount of subject matter and the concepts to be taught in each language shall be planned based on the student's relative proficiency in the two languages. The content and objectives in mathematics, science, and social studies shall be the same regardless of the language of instruction.
 - (3) The cultural component shall be an integral part of the total curriculum and not a separate subject area. It shall address the history and culture associated with the primary language of the student and the history and culture of the United States.

- (c) In subjects such as art, music, and physical education, the students shall participate fully with their English-speaking peers in regular classes provided in the subjects. The district shall ensure that students enrolled in the program have a meaningful opportunity to participate fully with other students in all extracurricular activities.
- (d) The board of trustees of a district may designate courses, in addition to those required to be taught bilingually under law, to be taught in a language other than English.
- (e) English as a second language shall be an intensive program of instruction with the purpose of developing competence in English. The district shall offer a developmental sequence of English instruction in the four language skills—listening, speaking, reading, and writing. The cultural aspects of the student's background and his or her previous learning experiences shall be an integral part of the program. Pertinent cultural patterns of the United States shall be included. The district shall ensure that planning and communication occur between the English as a second language teacher and those who may have the student for other subject areas.
- (f) The time allotted to each student for English as a second language instruction shall be based on the English language competency of the student. Such instruction may vary from a minimum of one class period per day to total immersion for the entire day. At the elementary level, the district shall implement an English language development program structure that best addresses the needs of the students. It may be taught in a regular classroom, a resource room, or a tutorial arrangement. It may be a part of the 260 clock hours in English which are required in grades seven and eight. A maximum of two of the three units in English required for high school graduation may be in English as a second language (or English for speakers of other languages).
- (g) Any district that desires to implement a transitional language instructional program other than bilingual education or English as a second language for grades post-elementary through eight shall submit a description to the agency. The commissioner shall approve or disapprove such a proposal based on its educational appropriateness.

§77.354 Home Language Survey.

Statutory Citation

- “(a) (1) Results of a home language survey conducted within four weeks of each student's enrollment in order to determine the language normally used in the home and the language normally used by the student, conducted in English and the home language, signed by the student's parents if in kindergarten through grade eight or by the student if in grades nine through 12, and kept in the student's permanent folder by the language proficiency assessment committee.” (Texas Education Code §21.455)

Rule

- (a) Districts shall conduct a home language survey for each student who enrolls in a Texas public school for the first time. Districts shall require that the survey be signed by the student's parent or guardian for grades kindergarten through eight or the student for grades nine through 12. The survey shall be kept with each student's permanent record.
- (b) The survey shall be printed in English and the home language of the student and shall contain the following questions:

- (1) "What language is spoken in your home most of the time?"
- (2) "What language does your child (do you) speak most of the time?"
- (c) The commissioner of education shall distribute to each district a survey form setting out the minimum information required. Additional information may be collected by the district and recorded on the document. If the survey is not completed and returned within 10 days of the student's registration, the district must contact the parent or guardian in order to complete the document. The survey shall be completed within four weeks of the student's enrollment.
- (d) The survey will be used to identify and classify students who normally use a language other than English. An answer of a language other than English to either or both of the required questions identifies the student for language proficiency assessment.

§77.355 Language Proficiency Assessment Committee.

Statutory Citation

- "(a) The State Board of Education by rule shall require districts that are required to offer bilingual education and special language programs to establish a language proficiency assessment committee.
- (b) Each committee shall be composed of members including but not limited to a professional bilingual educator, professional transitional language educator, a parent of a limited English proficiency student, and a campus administrator.
 - (c) The language proficiency assessment committee shall:
 - (1) review all pertinent information on limited English proficiency students, including the home language survey, the language proficiency tests in English and the primary language, each student's achievement in content areas, and each student's emotional and social attainment;
 - (2) make recommendations concerning the most appropriate placement for the educational advancement of the limited English proficiency student after the elementary grades;
 - (3) review each limited English proficiency student's progress at the end of the school year in order to determine future appropriate placement;
 - (4) monitor the progress of students formerly classified as limited English proficiency who have exited from the bilingual education or special language program and, based on the information, designate the most appropriate placement for the student; and
 - (5) determine the appropriateness of an extended program (beyond the regular school) depending on the needs of each limited English proficiency student.
 - (d) The State Board of Education by rule may prescribe additional duties for language proficiency assessment committees." (Texas Education Code §21.462)

Rule

- (a) The purpose of the language proficiency assessment committee shall be to allow professional education personnel and parents to be responsible for recommendations regarding the identification, instructional placement, and reclassification of limited English proficient students.

- (b) Districts required to establish a bilingual education or special language program under this subchapter shall by local board policy establish and operate a language proficiency assessment committee. Districts not required to establish a bilingual education program under this subchapter shall designate one or more professional personnel to carry out the duties assigned to the committees under this subchapter.
- (c) The language proficiency assessment committee shall consist of the following:
 - (1) a campus administrator;
 - (2) one appropriately certified teacher assigned to the bilingual education program;
 - (3) one appropriately certified teacher assigned to an English as a second language program; and
 - (4) the parent of a limited English proficient student.
- (d) All members of the language proficiency assessment committee, including parents, shall be acting for the school district and shall observe all laws and rules governing confidentiality of information concerning individual students.
- (e) If the district does not have an individual in one or more of the school job classifications listed in subsection (c) of this section, the district may select another staff member to serve on the language proficiency assessment committee if desired. The district shall have discretion to add members to the committee.
- (f) A language proficiency assessment committee may be established for each campus of the district or one committee may serve multiple campuses. The district shall be responsible for orientation of all members of the committee.
- (g) For each student who normally uses a language other than English and who has been administered appropriate language proficiency tests, the committee shall make determination whether the student is to be classified as limited English proficient based upon the criteria in §77.356 of this title (relating to Testing and Classification of Students). It shall recommend appropriate placement of each limited English proficient student in bilingual education, English as a second language or other special program. The committee may also recommend participation in a summer, extended day or extended week program which may be provided by the school district.
- (h) For each participant in a bilingual education or special language program, the committee shall annually determine whether the student is English proficient using the criteria in §77.356 of this title (relating to Testing and Classification of Students). It shall recommend reclassification and placement into an all-English curriculum of those students who are determined to be English proficient.
- (i) For each student exited from the bilingual program, the committee shall conduct follow-up studies for two years. It shall review achievement and criterion referenced test scores, grades in all subjects or courses, written and oral teachers' evaluations, parental opinion, and other information as appropriate. For those students who are not performing as desired in the all-English curriculum, the committee may prescribe participation in compensatory, bilingual education, English as a second language, or other program that addresses the needs of the student.
- (j) The actual placement of a student into a program as defined in §77.353 of this title (relating to Program Content; Method of Instruction) shall be done in accordance with §77.360 of this title (relating to Parental Authority and Responsibility) and Texas Education Code §§21.074 and 21.075.

Statutory Citation

- “(a) The State Board of Education by rule shall adopt standardized criteria for the identification, assessment, and classification of students of limited English proficiency eligible for entry into the program or exit from the program. The parent must be notified of a student’s entry into the program, exit from the program, or placement within the program. A student’s entry into the program or placement within the program must be approved by the student’s parents. The local school district may appeal the decision under §21.463 of this code. The criteria may include, but are not limited to, the following:
- (1) results of a home language survey conducted within four weeks of each student’s enrollment in order to determine the language normally used in the home and the language normally used by the student, conducted in English and the home language, signed by the student’s parents if in kindergarten through grade eight or by the student if in grades nine through 12, and kept in the student’s permanent folder by the language proficiency assessment committee;
 - (2) the results of an agency-approved English language proficiency test administered to all students identified through the home survey as normally speaking a language other than English to determine the level of English language proficiency, with students in kindergarten or grade one being administered an oral English proficiency test and students in grades two through 12 being administered an oral and written English proficiency test; and
 - (3) the results of an agency-approved proficiency test in the primary language administered to all students identified under subdivision (2) of this subsection as being of limited English proficiency to determine the level of primary language proficiency, with students in kindergarten or grade one being administered an oral primary language proficiency test and students in grades two through 12 being administered an oral and written primary language proficiency test.
- (b) Tests under subsection (a) of this section should be administered by professionals or paraprofessionals with the appropriate English and primary language skills and the training required by the test publisher.
- (c) The language proficiency assessment committee may classify a student as limited English proficiency if one or more of the following criteria are met:
- (1) the student’s ability in English is so limited or the student is so handicapped that assessment procedures cannot be administered;
 - (2) the student’s score or relative degree of achievement on the agency-approved English proficiency test is below the levels established by the agency as indicative of reasonable proficiency;
 - (3) the student’s primary language proficiency score as measured by an agency-approved test is greater than his proficiency in English, or
 - (4) the language proficiency assessment committee determines, based on other information such as (but not limited to) teacher evaluation, parental viewpoint, or student interview, that the student’s primary language proficiency is greater than his proficiency in English or that the student is not reasonably proficient in English.
- (e) All records obtained under this section may be retained by the language proficiency assessment committee for documentation purposes.

(h) A school district may transfer a student of limited English proficiency out of a bilingual education or special language program if the student is able to participate equally in a regular all-English instructional program as determined by:

- (1) tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in both the student's primary language and English;
- (2) an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by the agency; and
- (3) other indications of a student's overall progress as determined by, but not limited to, criterion-referenced test scores, subjective teacher evaluation, and parental evaluation.

(i) If later evidence suggests that a student who has been transferred out of a bilingual education or special language program has inadequate English proficiency and achievement, the language proficiency assessment committee may reenroll the student in the program. Classification of students for reenrollment must be based on the criteria required by this section." (Texas Education Code §21.455)

"(3) 'Students of limited English proficiency' means students whose primary language is other than English and whose English language skills are such that the students have difficulty performing ordinary classwork in English." (Texas Education Code §21.452)

"(b) Within the first four weeks following the first day of school, the language proficiency assessment committee established under section 21.462 shall determine and report to the governing board of the school district the number of students of limited English proficiency on each campus and shall classify them according to the language in which they possess primary proficiency. The governing board shall report that information to the agency before the first day of November each year." (Texas Education Code §21.453)

Rule

- (a) Districts shall administer an English oral language proficiency test to each student in grades kindergarten through 12 who has a language other than English as identified on the home language survey. Districts shall select one or more of the tests adopted by the State Board of Education. For students whose home language is Spanish, the Spanish section of the oral language proficiency tests selected by a district shall also be administered. An English-speaking professional or paraprofessional trained in language proficiency testing shall administer the English portion of the test. A Spanish-speaking professional or paraprofessional trained in language proficiency testing shall administer the Spanish portion of the test. For languages other than Spanish, informal oral assessment measures in the home language shall be used. The tests, grade levels, and the scores on each which shall identify a student as limited English proficient are shown on Table A.
- (b) Districts shall administer the English reading and English language arts sections of a standardized achievement test to each student in grades two through 12 who has a home language other than English as identified on the home language survey. Districts shall use one or more of the tests adopted by the State Board of Education as follows:
 - (1) California Achievement Test (CAT), 1977 - CTB/McGraw Hill;
 - (2) Comprehensive Test of Basic Skills, (CTBS), 1973 - CTB/McGraw Hill;

TABLE A
Comprehensive Instruction

Test	Grade Levels	Score on English Portion of Test Indicating LEP	
Primary Acquisition of Language (PAL): Oral Language Dominance Measure (OLDM)	K 1-3	Below 4.5 Below 5	
Primary Acquisition of Language (PAL): Oral Language Proficiency Measure (OLPM)	4-6	Below 5	
Bilingual Syntax Measure (BSM)			
Level I	K-2	Below 4	
Level II	3-12	Below 5	
Basic Inventory of Natural Language (BINL)	K-2 3-8 9-12	Below 50 Below 75 Below 100	
Language Assessment Scales (LAS)			
Level I	K-5	Below 75	
Level II	6-12	Below 82	
Shutt Primary Language Indicator Test (SPLIT)—Listening and Verbal Fluency	K 1 2-3 4 5-6	Listening Comprehension Either Below	Verbal Fluency 10 or 6 14 or 7 15 or 9 16 or 9 17 or 9
Language Assessment Battery (LAB)			
Level I	K 1 2	18 19 36	
Level II	3 4 5 6	56 67 77 79	
Level III	7 8 9-10 11 12	67 72 77 79 80	
IDEA Oral Language Proficiency Test	K-1 2-8	Below level C Below level D	

- (3) Comprehensive Test of Basic Skills, (CTBS), 1981 - CTB/McGraw Hill;
 - (4) Iowa Test of Basic Skills (ITBS) and Test of Achievement and Proficiency (TAP), 1978 - Riverside Publishing Company;
 - (5) Iowa Test of Basic Skills (ITBS), 1971 - Riverside Publishing Company;
 - (6) Metropolitan Achievement Tests, Survey Battery (MAT), 1978 - The Psychological Corporation;
 - (7) Metropolitan Achievement Test (MAT), 1970 - The Psychological Corporation;
 - (8) The Metropolitan Instructional Series, reading tests, 1978 - The Psychological Corporation;
 - (9) The Metropolitan Instructional Series, language tests, 1978 - The Psychological Corporation;
 - (10) Science Research Associates (SRA), 1978 - Science Research Associates;
 - (11) Science Research Associates (SRA)/Iowa Test of Educational Development (ITED), 1971 - Science Research Associates;
 - (12) Scott Foresman Achievement Series, 1980 - Scott Foresman;
 - (13) The Stanford Achievement Test (SAT) and Test of Academic Skills (TASK), 1972-73 - The Psychological Corporation;
 - (14) Stanford Diagnostic Reading Test (SDRT), 1976 - The Psychological Corporation;
 - (15) Sequential Tests of Educational Progress (STEP III, Circus), 1979 - Addison - Wesley Publishing Company;
 - (16) The 3 R's Test, Achievement Edition, 1982 - Riverside Publishing Company.
- (c) All oral and written proficiency testing of students who enroll within five class days of the first day of school shall be completed no later than four weeks after the first day of school.
- (d) Districts shall use the criteria below for classification of students for program entry purposes.
- (1) A student shall be identified as limited English proficient if one or more of the following criteria are met:
 - (A) Ability in English is so limited that the English proficiency tests cannot be administered.
 - (B) The score on the English oral language proficiency test for a student in grades kindergarten through 12 is below the level designated for indicating limited English proficiency in subsection (a) of this section.
 - (C) The score on the reading and English language arts sections of the standardized achievement test for a student in grades two through 12 is below the 23rd percentile.
 - (2) If the oral English language proficiency test score of a student in grades two through 12 is above the levels designated for indicating limited English proficiency in subsection (a) of this section and he

or she scores between the 23rd and the 40th percentile on the written standardized test, the language proficiency assessment committee shall determine whether or not the student is limited English proficient based on other factors which may include:

- (A) written recommendation and observation by current and previous teachers;
- (B) grades from the current or previous years;
- (C) written or oral recommendation of the parent concerning program placement;
- (D) data regarding emotional and maturational levels;
- (E) criterion referenced test results and progress on continuum of skills or informal assessment measures;
- (F) student interview; and
- (G) other student information.

(3) A student in grades two through 12 shall not be classified as limited English proficient if he or she scores at or above the 40th percentile on the reading and English language arts sections of the standardized achievement test.

(e) Annually, districts shall administer an English oral language proficiency test selected from the list in subsection (a) of this section to each limited English proficient student in grades kindergarten through 12. Districts shall also administer the reading and English language arts sections of a standardized achievement test selected from the list in subsection (b) of this section to each limited English proficient student in grades two through 12. The criteria in paragraphs (1)-(4) of this subsection shall be used for reclassification of students for program exit purposes.

- (1) The student in grades kindergarten through one shall be classified as English proficient if his or her score on the oral English proficiency test is above the levels designated for indicating limited English proficiency in subsection (a) of this section.
- (2) The student in grades two through 12 shall be classified as English proficient if his or her score on the oral English proficiency test is above the levels designated for indicating limited English proficiency in subsection (a) of this section; and the score on the reading and English language arts sections of the standardized achievement tests is between the 23rd and the 40th percentile; and the language proficiency assessment committee determines the student has sufficient English proficiency based on other factors listed in paragraph (2) of subsection (d) of this section.
- (3) The student in grades two through 12 shall be classified as English proficient if he or she scores at or above the 40th percentile on the reading and English language arts sections of the standardized achievement test.
- (4) For the student in grades two through 12 who has been enrolled in a bilingual education program for at least two years and has not achieved the 23rd percentile and has shown no significant improvement in relative English proficiency (relative to the primary language), the language proficiency assessment committee shall consider alternative bilingual programs or placements designed to strengthen and improve the student's language proficiency. Such an alternative program or placement may be in addition to the student's placement or a new placement.

- (f) Students who have been transferred out of the program who are later determined to have inadequate English proficiency may be reenrolled in the program in accordance with Texas Education Code §21.455(i) and this subchapter.
- (g) All records pertaining to identification and assessment of students for program participation purposes shall be maintained for documentation. The language proficiency assessment committee shall be responsible for such records.

Source: The provisions of this §77.356 amended July 1982 to be effective July 12, 1982, 7 TexReg 2688 (emergency).

§77.357 Eligible Handicapped Students.

Statutory Citation

- “(f) The school district may not refuse instruction in a language other than English to a student solely because the student has a handicapping condition.” (Texas Education Code §21.455)

Rule

- (a) Districts shall identify and serve students eligible for programs provided under this subchapter in accordance with Texas Education Code §21.455(f).
- (b) Districts shall ensure adequate coordination between bilingual or other special language personnel and special education personnel.

§77.358 Participation of Non-Limited English Proficiency Students.

Statutory Citation

- “(g) With the approval of the school district and a student’s parents, a student who does not have limited English proficiency may also participate in a bilingual education program. The number of participating students who do not have limited English proficiency may not exceed 40 percent of the students enrolled in the program.” (Texas Education Code §21.455)

Rule

Districts may enroll students who do not have limited English proficiency in programs offered under this subchapter in accordance with Texas Education Code §21.455(g).

§77.359 Facilities; Classes.

Statutory Citation

- “(a) Bilingual education and special language programs shall be located in the regular public schools of the district rather than in separate facilities.
- (b) Students enrolled in bilingual education or a special language program shall be placed in classes with other students of approximately the same age and level of educational attainment. The school district shall insure that the instruction given each student is appropriate to his or her level of educational

attainment, and the district shall keep adequate records of the educational level and progress of each student enrolled in the program.

- (c) The maximum student-teacher ratio shall be set by the agency and shall reflect the special educational needs of students enrolled in the programs.” (Texas Education Code §21.456)

Rule

- (a) Bilingual education and special language programs shall be located in the regular public schools of the district rather than in separate facilities in accordance with Texas Education Code §21.456.
- (b) Students shall be placed in classes in accordance with Texas Education Code §21.456 and given instruction appropriate to their grade level.
- (c) Districts shall ensure that the student-teacher ratio in bilingual education and special language programs reflects the special needs of the students enrolled in the program. The student-teacher ratio shall not exceed those limits set in Texas Education Code §16.102 (k) with those limits applicable to grades two through three being expanded to apply to all elementary grades two and above.

§77.360 Parental Authority and Responsibility.

Statutory Citation

“(4) ‘Parent’ means the parent(s) or legal guardian(s) of the student.” (Texas Education Code §21.452)

“(a) The State Board of Education by rule shall adopt standardized criteria for the identification, assessment, and classification of students of limited English proficiency eligible for entry into the program or exit from the program. The parent must be notified of a student’s entry into the program, exit from the program, or placement within the program. A student’s entry into the program or placement within the program must be approved by the student’s parents. The local school district may appeal the decision under §21.463 of this code. The criteria may include, but are not limited to, the following:

- (1) Results of a home language survey conducted within four weeks of each student’s enrollment in order to determine the language normally used in the home and the language normally used by the student, conducted in English and the home language, signed by the student’s parents if in kindergarten through grade eight or by the student if in grades nine through 12, and kept in the student’s permanent folder by the language proficiency assessment committee.
- (d) Within 10 days after the student’s classification as limited English proficiency, the language proficiency assessment committee shall give written notice of the classification to the student’s parent. The notice must be in English and the primary language. The parents of students eligible to participate in the required bilingual education program shall be informed of the benefits of the bilingual education or special language program and that it is an integral part of the school program.” (Texas Education Code §21.455(a), (d))

“Appeals. A parent of a student enrolled in a district offering bilingual education or special language programs may appeal to the commissioner of education under §11.13 of this code if the district fails to comply with the requirements of law or the rules of the State Board of Education. If the parent disagrees with the placement of the student in the program, he or she may appeal that decision to the local board of trustees. Appeals shall be in accordance with procedures adopted by the State Board of Education consistent with the appeal of contested cases under the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon’s Texas Civil Statutes).” (Texas Education Code §21.463)

Rule

- (a) The home language survey conducted in accordance with §77.354 of this title (relating to Home Language Survey) must be signed by the parent of students in kindergarten through grade eight.
- (b) The language proficiency assessment committee shall consider the opinion of a student's parent in determining the student's primary language proficiency and English language proficiency.
- (c) Within 10 days after a student's classification as limited English proficiency, the language proficiency assessment committee shall give written notice to the student's parent advising that the student has been so classified and requesting approval to place the student in a bilingual education or special language program. In accordance with Texas Education Code §21.455(d), the notice shall include information about the benefits of the bilingual education or special language program and that it is an integral part of the school program. A student's entry into or placement within a bilingual education or special language program must be approved by the student's parent.
- (d) In accordance with Texas Education Code §21.455(h), a school district shall obtain the parent's evaluation of a student's progress and shall consider that evaluation in determining whether a student should be transferred out of a bilingual education or special language program.
- (e) Parental approval shall be obtained before a student is reenrolled in a bilingual education or special language program.
- (f) The parent of a limited English proficient student shall be appointed to the language proficiency assessment committee.
- (g) Parental approval shall be obtained before a student who does not have limited English proficiency is enrolled in a bilingual education program.
- (h) The parent of a student enrolled in a district which is required to offer bilingual education or special language programs may appeal to the commissioner of education if the district fails to comply with the law or the rules of the State Board of Education. Appeals shall be filed in accordance with Chapter 157 of this title (relating to Hearings and Appeals).
- (i) A parent who disagrees with the placement of a student in a bilingual education or special language program may appeal the decision to the local board of trustees as provided in Texas Education Code §21.463.

§77.361 Staffing and Staff Development.

Statutory Citation

- (a) The State Board of Education shall promulgate rules and regulations governing the issuance of teaching certificates with bilingual education endorsements to teachers who possess a speaking, reading, and writing ability in a language other than English in which bilingual education programs are offered and who meet the general requirements set out in Chapter 13 of this code. The State Board of Education shall also promulgate rules and regulations governing the issuance of teaching certificates with an endorsement for teaching English as a second language. The agency may issue emergency endorsements in bilingual education and in teaching English as a second language.

- (b) A teacher assigned to a bilingual education program must be appropriately certified by the agency for bilingual education.
- (c) A teacher assigned to an English as a second language or other special language program must be appropriately certified by the agency for English as a second language.
- (d) The minimum monthly base pay and increments for teaching experience for a bilingual education teacher or a special language program teacher are the same as for a classroom teacher with an equivalent degree under the Texas State Public Education Compensation Plan. The minimum annual salary for a bilingual education teacher or a special language program teacher is the monthly base salary, plus increments, multiplied by 10, 11, or 12, as applicable.
- (e) The district may compensate out of funds appropriated in subsection (a) of §21.460 of this subchapter a bilingual education or special language teacher for participating in a continuing education program which is in addition to the teacher's regular contract. The continuing education program must be designed to gain advanced bilingual education or special language program endorsement or skills.
- (f) The agency shall be authorized to conduct or contract for teacher training for persons in the acquisition of endorsements in English as a second language. The agency shall determine the amount required for the implementation of this subsection.
- (g) The State Board of Education, through the Commission on Standards for the Teaching Profession, and the Coordinating Board, Texas College and University System, shall develop a comprehensive plan for meeting the teacher supply needs created by the programs outlined in this subchapter. The Board shall submit a plan, which includes legislative recommendations, to the 68th Legislature in January 1983." (Texas Education Code §21.459)

Rule

- (a) School districts shall take all reasonable affirmative steps to secure fully certified bilingual education teachers. The phrase "endorsed bilingual teacher," as used in Texas Education Code §21.453(f) shall be interpreted to mean certified teachers with bilingual specialization or endorsement.
- (b) Districts which are unable to secure fully certified bilingual education teachers shall request emergency teaching permits or special assignment permits, as appropriate, in accordance with Subchapter N of Chapter 141 of this title (relating to Emergency Teaching Permits, Special Assignment Permits, and Temporary Classroom Assignment Permits).
- (c) Teachers assigned to an English as a second language program or other special language program must meet the requirements for assignment as set out in §97.117 (226.37.15.370) of this title (relating to Requirements for Assignment of Teachers).
- (d) Districts may compensate bilingual education and special language program teachers for participation in continuing education programs designed to increase their skills or to lead to bilingual or special language certification in accordance with Texas Education Code §21.459(f).
- (e) The commissioner of education shall coordinate the development of a comprehensive plan for meeting teacher supply needs in accordance with Texas Education Code §21.459(g). The plan shall include provision for the development and phase-in of certification programs and requirements for teachers of English as a second language.

§77.362 Allotments for Operational Expenses.

Statutory Citation

- (a) Under the rules of the State Board of Education, each school district operating an approved bilingual education or special language program shall be allotted a special allowance equal to:
- (1) the number of limited English proficiency students enrolled in the bilingual education program multiplied by \$50, or a greater amount as provided by the General Appropriations Act, and
 - (2) the number of limited English proficiency students enrolled in the ESL or special language program multiplied by 25 percent of the bilingual education per pupil allocation. A district's bilingual education or special language allocation may be used for program and pupil evaluation and equipment, instructional materials and equipment, staff development, supplemental staff expenses, and other supplies required for quality instruction." (Texas Education Code §21.460)

Rule

- (a) School districts approved by the Texas Education Agency shall receive funds in the amount provided by law for each limited English proficient student enrolled in a bilingual education program and in an English as a second language or other special language program. To be eligible to receive funds, school districts shall submit an application for operational expenses allocation and be approved annually by the Texas Education Agency.
- (b) After distribution of funds to districts required to operate bilingual education, English as a second language, or other special language programs pursuant to Texas Education Code §21.453, the commissioner of education may distribute available funds to districts not required to offer bilingual education. Districts operating such programs shall submit an application for operational expenses allocation. The priority order for distributing funds under this subsection shall be as follows:
- (1) bilingual education programs in kindergarten through elementary, or English as a second language programs in grades kindergarten through 12; and
 - (2) bilingual education programs at grades post-elementary through 12.
- (c) Operational expenses allocated for an approved bilingual education, English as a second language, or other special language program may be used for the following:
- (1) Program and pupil evaluation, and equipment necessary to administer required tests to students.
 - (A) Allowable expenditures for pupil assessment include the cost of purchasing and scoring tests for identifying limited English proficient students, determining primary language proficiency or for prescribing instruction.
 - (B) Allowable expenditures for program evaluation include the cost of planning and designing program evaluations; purchasing standardized achievement tests for basic skills; collection, analysis and interpretation of data; and preparation of reports.
 - (2) Instructional materials and equipment as well as other supplies required for quality instruction.

- (A) Allowable expenditures include the cost of any apparatus, including three-dimensional manipulative materials and equipment, which conveys information to the student or otherwise contributes to the learning process, such as cassette players, language masters, listening stations, and pupil workbooks, or other consumable materials that are special materials for the instructional program.
 - (B) The following items will not be considered as allowable expenditures from the per pupil allotments: room furnishings including desks, tables, chairs, filing cabinets, or any other item which is usually attributed to capital outlay.
- (3) Supplemental staff expenses, including salaries, as approved by the Texas Education Agency.
- (4) A minimum of 25 percent of the total amount for which each district is eligible shall be used for staff development and supplemental staff expense as follows:
- (A) Teacher certification. First priority activities shall include formal preparation programs designed to meet bilingual or English as a second language certification requirements for professional and paraprofessional instructional staff.
 - (i) tuition and fees;
 - (ii) textbooks for college and university course work;
 - (iii) travel and per diem for trainees receiving tuition and fees;
 - (iv) stipends for receiving training after working hours such as evenings and weekends; and
 - (v) extended 10, 11 or 12 month contracts for persons participating in continuing education.
 - (B) Other staff development. Other staff development may include planned activity designed to improve performance of staff assigned to serve limited English proficient students. Such activity must address specific training objectives and include procedures for evaluating outcomes in terms of skill or competency gains. Staff development plans including qualifications of trainers shall be subject to approval by the agency.
 - (C) Expenditures not allowable. Training expenditures which are not allowable are the following:
 - (i) training costs for personnel not assigned to the program;
 - (ii) costs for formal preparation programs at colleges or universities for professional instructional staff who have certificates and endorsements for bilingual education and English as a second language.
 - (D) Statewide personnel training plan. The commissioner of education shall develop and implement a plan for training of personnel statewide. Such plan shall provide school district personnel with reasonable opportunities to be properly certified for their assignment. School district staff development requests must be consistent with this plan to be approved. The commissioner of education may authorize a district to use less than 25 percent for staff development and supplemental staff expense if the training and certification needs of the personnel assigned to the program do not require such a level of expenditure.

- (5) The special allowance for the operation of an approved program must supplement, not replace, local funds normally budgeted for the total instructional program.
- (6) Since unused funds will be applied against the operational expenses allocation for the ensuing school year, the school district shall maintain records that specifically identify or otherwise account for itemized expenditures from the operational expenses allocation and shall retain documents as necessary for audit purposes.

§77.363 Preschool, Summer School, and Extended Time Programs.

Statutory Citation

- (a) A district may operate a preschool, summer school, and extended time program for limited English proficient students for the purpose of improving the students' proficiency in English. Districts have the option to provide bilingual education, English as a second language, and other types of programs at any grade level. Such programs shall not substitute for bilingual education or English as a second language programs required to be provided during the regular school year.
- (b) Preschool programs may be operated during the regular school year or during the summer on a part-time or full-time basis. Such programs shall be for children who will be eligible for kindergarten the following school year.
- (c) Summer programs may be provided for students at any grade levels selected by the district. The number of days and hours per day the program operates shall be determined by the district.
- (d) Extended day or week programs may be provided before or after the regular school day or on Saturday.
- (e) Districts may use funds allocated under §77.362 of this title (relating to Allotments for Operational Expenses) for operation of the program. Additional bilingual education funds will not be available to provide for such programs and students participating in such programs shall not be counted in determining the district's allocation. Funds may be used to provide salaries of instructional personnel, materials, transportation, or other instructional related costs. Such funds may not be used to provide recreational or other non-instructional activities. Districts that intend to use state funds to operate preschool, summer school, extended day or week programs shall complete the appropriate description and budget sections of the application for bilingual education funds submitted to the Texas Education Agency.
- (f) Districts may join with other districts to provide programs or may contract with regional education service centers to serve as management agents to assist in providing cooperative programs among several districts.

§77.364 Pilot Programs.

Statutory Citation

- “(f) The State Board of Education shall establish a limited number of pilot programs for the purpose of examining alternative methods of instruction in bilingual education and special language programs.
- (g) Districts approved to establish pilot programs as required by subsection (f) of this section shall be allocated an amount per student which is equal to the amount per student allocated to districts with approved bilingual education programs as outlined in this subchapter.” (Texas Education Code §21.454)

Rule

- (a) The commissioner of education shall establish from a minimum of 10 to a maximum of 20 structured pilot programs which operate and evaluate alternative types of special language programs. The purpose of these pilot programs shall be to identify approaches that are the most effective for developing English proficiency for limited English proficient students. The programs may be authorized for one, two, or more years based on the program to be piloted.
- (b) The commissioner shall develop and disseminate information which sets out the specific approaches to be tested. The approaches may include, but need not be limited to, the following:
 - (1) concentrated English as a second language in varying time allotments and organizational structures;
 - (2) variations and refinements of language use in dual language programs at varying grade levels;
 - (3) English as a second language or bilingual education programs within regular classrooms;
 - (4) varying English as a second language structures for the elementary and secondary levels;
 - (5) tutoring in English; and
 - (6) parental participation in learning English.
- (c) Programs approved shall include districts with varying characteristics such as the following:
 - (1) small, medium, and large concentrations of limited English proficient students;
 - (2) location in the various regions of the state; and
 - (3) districts that have difficulty employing sufficient numbers of bilingual education teachers.
- (d) Each pilot program shall have a comprehensive evaluation design. Information to be gathered shall include the following:
 - (1) the degree of student progress in attaining English proficiency;
 - (2) achievement in English reading and English language arts and other academic subjects;
 - (3) indicators of social integration in the total school community; and
 - (4) others.
- (e) A district applying for a pilot program shall submit an application on forms developed by the agency containing a description of the program, a budget, and an evaluation design. The budget may request funds based on the number of students in the program times the amount provided by law. Such funds may be expended on salaries for instructional personnel, materials or equipment, and related costs.
- (f) Based on the results of the evaluation of pilot programs, the commissioner shall submit a report to the State Board of Education identifying the most successful approaches that are appropriate to be implemented in other school districts.

§77.365 Monitoring of Programs and Enforcing Law and State Board of Education Rules.

Statutory Citation

- “(a) The legislature recognizes that compliance with this subchapter is an imperative public necessity. Therefore, pursuant to the policy of the state, the agency shall monitor school district compliance with state rules by inspecting each district on site at least every three years.
- (b) The areas to be monitored include:
- (1) The program content and design;
 - (2) program coverage;
 - (3) identification procedures;
 - (4) classification procedures;
 - (5) staffing;
 - (6) learning materials;
 - (7) testing materials;
 - (8) reclassification of students for either entry into regular classes conducted exclusively in English or for reentry into a bilingual education or special language program; and
 - (9) activities of the language proficiency assessment committee.
- (c) Not later than the 30th day after the date of an on-site monitoring inspection, the agency shall report its findings to the school district and to the Division of Accreditation.
- (d) The agency shall notify a school district found to be in noncompliance in writing not later than the 30th day after the date of the on-site monitoring. The district shall take immediate corrective action.
- (e) If a school district fails to or refuses to comply after proper notification, the agency shall apply sanctions, which may include removal of accreditation, loss of foundation school funds, or both.” (Texas Education Code §21.461)

Rule

- (a) Texas Education Agency staff who are trained in assessing bilingual education, English as a second language, and other special language programs shall monitor on-site each school district in the state every three years. The commissioner of education shall develop a schedule annually which identifies the districts to be monitored. The commissioner may modify the schedule as necessary.
- (b) A standard monitoring instrument shall be used as basis for each on-site visit. The instrument shall identify each requirement of law and State Board of Education rules. Indicators, such as required documentation or conditions to be observed, shall be specified as a basis for determining whether the district is fulfilling each requirement.

- (c) The Texas Education Agency shall determine through on-site monitoring whether the bilingual education, English as a second language or other special language program operates according to law and State Board of Education policy.
- (1) The staff shall conduct campus and classroom visits to determine if the programs are being implemented in the grade levels required.
 - (2) The staff shall review the identification procedures used to establish if the district has:
 - (A) determined the home language of all students enrolled;
 - (B) determined the level of oral English proficiency of students in kindergarten through grade 12 and level of achievement in English on standardized tests for students in grades two through 12 who have a primary language other than English;
 - (C) determined the level of oral primary language proficiency for students kindergarten through grade 12; and
 - (D) maintained adequate records for subparagraphs (A) - (C) of this paragraph.
 - (3) The staff shall determine by examination of records if the district has appropriately classified students of limited English proficiency according to comparative language abilities in English and the primary language. Districts shall maintain records of the classification of each student of limited English proficiency.
 - (4) The staff shall determine the adequacy of staffing assignments and ensure that the teacher-pupil ratios in the programs are comparable to that of the regular school program.
 - (A) The staff shall determine through on-site monitoring if personnel assigned to the program are properly certified for the assignment.
 - (B) The staff shall determine the adequacy of the district's efforts to employ and assign appropriately certified personnel to implement the program.
 - (5) The staff shall determine whether learning materials provided each limited English proficient student are appropriate to the student's level of educational attainment. The materials used in the bilingual education programs shall allow the student to learn basic skills in his primary language and also provide for carefully structured and sequenced mastery of English language skills. The materials used in the English as a second language programs shall demonstrate a sequenced approach to listening, speaking, reading, and writing the English language.
 - (6) The staff shall determine the appropriateness and accuracy of the districts' use of tests and other assessment procedures.
 - (7) The staff shall determine if the procedures used for reclassification of students as English proficient and procedures used for reassessment of students exited from the program to identify students who may need to re-enter bilingual and special language programs are consistent with State Board of Education rules.
 - (8) The staff shall determine, through examination of records and interviews with members of the language proficiency assessment committee, the qualifications and training provided members of

the committee. The district shall have on file policy and procedures for the selection, appointment, and training of members of the campus language proficiency assessment committee.

- (d) The preliminary monitoring report shall identify each discrepancy noted between the requirements of law and State Board of Education rules and the program operation. For each discrepancy, a recommended corrective action and date for completion shall be described. Reports shall be mailed from the agency within 30 calendar days following the last day of the monitoring visit. Districts shall be instructed to prepare specific corrective action responses and negotiate any problem areas directly with personnel of the Division of Bilingual Education. A copy of the report shall be filed with the Division of School Accreditation.
- (e) Districts shall be instructed to respond describing the corrective actions that will be taken within 30 calendar days of the date the report is mailed by the agency. If the district has evidence that is contrary to any of the preliminary findings reported by the monitoring team, such information shall be submitted within the 30 days provided. Should the preponderance of the evidence indicate that the identified discrepancy is invalid, the report shall be revised accordingly. At the end of the 30-calendar-day period, the report shall become final.
- (f) If a school district has been cited as being in noncompliance, and has failed to proceed to remove variations or discrepancies within the time period specified, the commissioner of education may initiate steps to modify that district's accreditation status on a temporary basis until procedures for modifying the district's status can be applied. Such actions taken by the commissioner shall be reported to the State Board of Education at the earliest subsequent meeting. The process outlined in §97.74 of this title (relating to Establishment and Modification of a District's Accreditation Status) shall be effected in not more than 120 calendar days. If no acceptable solution has been reached by this time, the commissioner shall make a recommendation to the State Board of Education regarding the accreditation status of the district. All actions shall be in compliance with Subchapter D of Chapter 97 of this title (relating to Principles, Standards, and Procedures for Accreditation of School Districts).

§77.366 - 77.371 [Reserved].

§77.372 (226.32.53.010). Bilingual Education Training Institutes.

Source: The provisions of this §77.372 adopted to be effective January 1, 1976.

- (a) Policy. The Texas Education Agency shall provide for bilingual education training institutes. The commissioner of education shall establish procedures governing the content, conduct of, participation in, and reimbursement of participants in the institutes.
- (b) Administrative Procedure. The Texas Education Agency contracts with school districts, colleges, universities, education service centers, and/or individuals to conduct bilingual education training institutes throughout the State of Texas. Professional and paraprofessional personnel employed by public schools eligible to participate in the institutes are reimbursed for expenses incurred as a result of their participation. The institutes are conducted in accordance with the training models approved by the commissioner of education.

Subchapter S. Good Neighbor Scholarship Program

Authority: The provisions of this Subchapter S issued under Acts 1969, 61st Leg., p. 2735, ch. 889, effective September 1, 1969 (Texas Education Code §54.207(a)), unless otherwise noted.

§77.391 (226.32.59.010). Approval of Scholarship Recipients.

- (a) Policy. The State Board of Education shall approve recipients of scholarships (annual exemptions from payment of tuition fees) to attend participating institutions of higher education in accordance with the statutory provisions of the program. Undergraduate students shall be given preference; however, graduate students shall be eligible to participate in the program. Members of the Communist party, students from Cuba, and individuals who have not lived in one of the nations of this hemisphere for a period of at least five years shall not be eligible for benefits of the Good Neighbor Scholarship Program.

Appendix H

School-Community Guidance Centers

Title 19, Part II Texas Administrative Code and Statutory Citations

§85.22 School-Community Guidance Centers.

Statutory Citation

- “(a) Each school district with an average daily attendance of at least 6,000 students may establish a school-community guidance center designed to locate and assist children with problems which interfere with their education, including but not limited to juvenile offenders and children with severe behavioral problems or character disorders. The centers shall coordinate the efforts of school district personnel, local police departments, truant officers, and probation officers in working with students, dropouts, and parents in identifying and correcting factors which adversely affect the education of the children.
- “(b) With the approval of the commissioner of education, school districts with an average daily attendance of less than 6,000 students may cooperate with other districts for the purpose of establishing a common center.” (Texas Education Code, Section 16.401(a) and (b))
- “The board of trustees of a school district may develop cooperative programs with state youth agencies for children found guilty of delinquent conduct.” (Texas Education Code, Section 16.402)
- “(a) Each school-community guidance center is eligible for two guidance center teachers, one attendance consultant, and one teacher aide. Each center is also eligible for one additional guidance center teacher for each 6,000 students in the district or cooperating districts. One additional attendance consultant and one additional teacher aide shall be provided for every two additional guidance center teachers.
- “(b) The commissioner shall determine the qualifications and applicable pay grade under the Texas State Public Education Compensation Plan for the guidance center teachers, attendance consultants, and teacher aides employed at a center.
- “(c) The local boards of trustees may enter into contracts with other agencies for funding of personnel involved in cooperative programs.” (Texas Education Code, Section 16.403)
- “(a) The cost of operating an approved school-community guidance center shall be borne by the state and each participating district on the same percentage basis that applies to financing the Foundation School Program within the district. The state’s share of the cost shall be paid from funds appropriated for that purpose. While in attendance at a school-community guidance center, a student may not be counted in the average daily attendance of the school district for other Foundation School Program purposes.
- “(b) Should the appropriation in any biennium be insufficient to fully fund the Act, the State Board of Education shall establish criteria in addition to those provided herein for selecting districts to be funded on a need basis. The commissioner shall use these criteria to determine annually the districts to be authorized to receive funds for operating school-community guidance centers.” (Texas Education Code, Section 16.404)

“(g) A district’s total personnel units, as adjusted, shall be reduced by an amount equal to one-half of the sum of the personnel unit values for . . . school-community guidance center personnel allocated to the district under the provisions of Section 16.403 of this chapter . . . and by an amount equal to .275 of the sum of the personnel unit values for special education personnel allocated to the district under the provisions of Section 16.104 of this code.” (Texas Education Code, Section 16.102(g))

Rule

- (a) A school-community guidance center is an alternative setting, outside the regular school program, designed to locate and assist students with problems which interfere with their education. Students served by the center may include, but need not be limited to, juvenile offenders and children with severe behavioral problems or character disorders.
- (b) In accordance with Texas Education Code, Chapter 16, Subchapter 1, a school-community guidance center may be established by:
 - (1) a school district with an ADA of at least 6,000 students; or
 - (2) a cooperative of school districts with a combined ADA of at least 6,000 students.
- (c) Should the appropriation in any biennium be insufficient to fund all eligible districts, funds will be allocated on a competitive grant basis. The commissioner of education may establish a maximum grant award and a level of funding for any selected project. Guidelines for the submission of grant proposals shall be developed by the commissioner of education. The commissioner of education shall use the following criteria to evaluate grant applications:
 - (1) quality of needs assessment;
 - (2) quality of objectives;
 - (3) quality of proposed activities;
 - (4) quality of collaboration plan;
 - (5) quality of project management;
 - (6) quality of evaluation plan; and
 - (7) efficiency of project budget.
- (d) Personnel units shall be allocated to school-community guidance centers in accordance with Texas Education Code §16.403. A school district’s total adjusted personnel units shall be reduced by an amount equal to one-half of the sum of the personnel unit values allocated for school-community guidance center personnel in accordance with Texas Education Code §16.102(g).
- (e) State funds allocated under this section shall be used only for salaries for school-community guidance center personnel. All other expenses must be paid for from local district funds or other funding sources.
- (f) Qualifications and pay grades for personnel in school-community guidance centers shall be as follows:
 - (1) School-community guidance center teachers must have the following qualifications and abilities:

- (A) bachelor's degree (pay grade seven) or master's degree (pay grades eight, nine, or ten), and valid Texas teacher certificate;
 - (B) the ability to assist students (including, but not limited to, juvenile offenders and those with severe behavioral problems or character disorders) with problems which interfere with their education;
 - (C) the ability to identify and correct factors which adversely affect the education of children;
 - (D) the ability to cooperate with guidance center staff and other community agency personnel;
 - (E) the ability to coordinate the instructional program to support and reinforce the services of guidance center staff and community agency personnel; and
 - (F) demonstrated competency in planning learning experiences for individual students based on identification of academic needs.
- (2) Attendance consultants in a school-community guidance center must have the following qualifications and abilities:
- (A) bachelor's degree (pay grade seven) or master's degree (pay grades eight or ten) and valid Texas teacher certificate;
 - (B) ability to interpret academic and personal information and data to staff, parents, students, and community agents and to assist in program development and revision;
 - (C) demonstrated competence in developing effective working relationships with and among members of the guidance center staff and students, and the community;
 - (D) demonstrated competence in forming and maintaining effective working relationships with members of all populations served; and
 - (E) ability to assist parents in developing realistic perceptions of their children.
- (3) Educational aides in a school-community guidance center may be placed on pay grades one, two or three.
- (g) As provided in Texas Education Code §16.401(a), centers shall coordinate the efforts of school district personnel and personnel of other local agencies who work with the same student population. Centers may enter into contracts and develop cooperative programs with state youth agencies as provided by Texas Education Code §§16.402 and 16.403.
- (h) While in attendance at a school-community guidance center, a student shall be counted only once in the average daily attendance of the school district.

Authority: The provisions of this §85.22 issued under Texas Education Code §§16.401-16.404.

Source: The provisions of this §85.22 adopted July 1981 to be effective July 17, 1981, 6 TexReg 2725 (emergency); adopted September 1981 to be effective October 9, 1981, 6 TexReg 3582.

Appendix I

Summer School Pilot Program

Title 19, Part II Texas Administrative Code and Statutory Citations

§77.22. Summer School Pilot Programs.

Statutory Citation

- “(a) With the approval of the commissioner of education, a school district may establish a summer school pilot program to provide instruction beyond the number of days required by this chapter.
- (b) The Central Education Agency shall develop a state plan for the establishment and operation of the summer school pilot programs. In order to be approved for state funding, a school district’s program must be consistent with the state plan as determined by the commissioner of education.” (Texas Education Code §16.521)

“The cost of operating an approved pilot program shall be borne by the state and each participating district. The commissioner is not required to make equal or proportional allocations to each district. To the extent available, each district shall allocate applicable federal or state compensatory funds to the support of the program.” (Texas Education Code §16.522)

- “(a) The commissioner of education shall cause the pilot programs to be evaluated and shall report the evaluations to the State Board of Education.
- (b) The pilot program is abolished and this subchapter expires effective September 1, 1985.” (Texas Education Code §16.524)

Rule

- (a) These rules shall be considered to be the state plan required by Texas Education Code, §16.521(b).
- (b) The commissioner of education shall establish from 12 to 15 summer school pilot projects. The purpose of these pilot programs shall be to determine the extent to which various types of summer school programs are successful in remediation of the following types of students:
- (1) Elementary or secondary students who have not accomplished minimum objectives for a grade level as designated by the district in reading, mathematics or writing (composition). Such students may be those retained in a grade, those who have a history of failure in attaining adequate growth in basic skills, or those who would be retained in a grade but show potential for successful completion of grade or course requirements in a summer session.
 - (2) Secondary students who during the regular school term have not accomplished minimum objectives designated by the district in one or more courses required under paragraphs (d)(1)-(4) of §97.115 of this title (relating to Description of Content in Secondary Grades) for grades 7 and 8 and paragraphs (b)(1)-(8) of §97.116 of this title (relating to Requirements for High School Graduation) for high school.

- (3) Elementary or secondary students who are identified as having limited English proficiency.
- (c) A district applying to conduct a pilot program shall submit an application on forms developed by the agency. The application shall contain a description of the program and a budget and shall reflect approaches which show promise for attracting eligible students and meeting program objectives.
 - (d) Programs approved shall include districts with small, medium, and large concentrations of the types of students described in subsection (b) of this section and districts located in various regions in the state. The commissioner may include two or more districts operating a cooperative pilot program and one or more districts operating in cooperation with an education service center. Elementary and secondary programs shall be included in the pilot effort, but elementary programs shall have priority.
 - (e) The commissioner shall allocate available funds for pilot programs in amounts not to exceed \$100,000 for any one project. Approval for each program shall be only for one year; however, in the future strong consideration will be given to continuing projects.
 - (f) Participating districts shall provide for program operation from funding sources such as federal and state compensatory education funds and other available sources.
 - (g) A district operating a summer school pilot program shall agree to participate in the evaluation required by §16.524(a) of the Texas Education Code. The evaluation shall include assessment of student achievement, documentation of program characteristics and operation, and cost analysis information.

Authority: The provisions of this §77.22 issued under Texas Education Code Chapter 16, Subchapter K.

Source: The provisions of this §77.22 adopted February 1982 (emergency) to be effective February 19, 1982, 7 TexReg 795, adopted April 1982 (permanent) to be effective May 18, 1982, 7 TexReg 1739.

Status Report: Summer School Pilot Project
Project Sites Approved

District	ADA	# of Students	Grade Level	Curriculum Focus
Ysleta	41,910	105	8	Varied (Tutoring, CAI Class) R, M, W, LEP
Tom Bean	494	48	1-4	Conventional Instruction and Tutoring Reading
Beaumont	9,216	40	3-4	Traditional vs. CAI, Math
Houston	175,251	1,000	11	Master Teachers in Computer Management M, R
East Central	4,152	240	1-6	Teacher Based vs. CAI, R, M
Jasper	3,094	44	1-5	Conventional Approach, R, M
Austin	50,301	900	1-6	Mastery Learning and Enrichment R, M
Zapata	1,594	225	1-9	Direct Teaching and Tutoring, R, M, W LEP
New Braunfels	3,724	185	1-5	Conventional Instruction, R, M, W, LEP
Mt. Vernon	984	146	1-8	Conventional Approach and Tutoring, R, W
Plano	21,454	84	1-6	Conventional Approach and Home Study, LA, M
Hereford	4,894	300	3-6	Lab. approach with CAI to add to Instruction, R, M, W, LEP
Eagle-Mt. Saginaw	3,154	60	1-8	Conventional Approach with CAI and tutoring, R, M, W
Marshall	5,913	270	1-6	Conventional approach w/CAI, R, M
Dallas	118,055	600	1-6	Direct Intensive Instruction, R, W, M, LEP

Total amount allocated — \$409,054

R = reading

M = mathematics

W = writing

LEP = limited English proficient

LA = language arts